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Transcript of Tim L. Wilson

Date: December 18, 2018

Case: Gillispie -v- City of Miami Township, et al.

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION

4 ROGER DEAN GILLISPIE,

5 Plaintiff,

6 vs.

Case No. 3:13-CV-416

7 CITY OF MIAMI TOWNSHIP, et al.,

8 Defendants.
9

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13 Videoconference Deposition of:

14 TIM L. WILSON

15 Taken on behalf of the Plaintiff

16 9:14 A.M.

17 December 18, 2018
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25 Reported by: Sandra Andrys, LCR, RPR, RMR

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1 S T I P U L A T I O N S

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4 The videoconference deposition of TIM L.
5 WILSON was taken by counsel for the Plaintiff, at
6 Baymont by Wyndham, 4038 U.S. 127, Crossville,
7 Tennessee, on December 18, 2018, for all purposes
8 under the Federal Rules of Civil Procedure.

9 All formalities as to caption, notice,
10 statement of appearance, et cetera, are waived. All
11 objections, except as to the form of the questions,
12 are reserved to the hearing, and that said deposition
13 may be read and used in evidence in said cause of
14 action in any trial thereon or any proceeding herein.

15 It is agreed that SANDRA ANDRYS, LCR,
16 RPR, RMR, Notary Public and Court Reporter for the
17 State of Tennessee, may swear the witness, and that
18 the reading and signing of the completed deposition
19 by the witness are not waived.

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1 * * *

2
3 MR. OWENS: Do the folks who are on the
4 video want to identify themselves first, and can you
5 confirm that you can hear me?

6 MR. DETERS: I'm here representing Angel,
7 Gray, and DiPietro; they are all defendants.

8 MR. KAY: Jeff Kay here -- David, I can
9 hear you -- on behalf of Scott Moore.

10 MR. OWENS: Anyone else? Is that it?

11 MR. DETERS: Ned is on as well.

12 MR. DOWD: Sorry, I had it on mute. I
13 can hear you.

14 MR. OWENS: All right, great.

15
16 * * *

17 TIM L. WILSON
18 was called as a witness, and having first been duly
19 sworn, testified as follows:

20
21 EXAMINATION

22 QUESTIONS BY MR. OWENS:

23 Q. Good morning, sir.

24 A. Good morning.

25 Q. Could you please state and spell your name

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1 for the record?

2 A. Tim Lee Wilson, W-I-L-S-O-N, is the last
3 name; Timmy, T-I-M-M-Y, middle name Lee, L-E-E.

4 Q. And, Mr. Wilson, have you ever been deposed
5 before?

6 A. Yes.

7 Q. Okay. How many times have you been deposed?

8 A. Once.

9 Q. And what was the context of that deposition?

10 A. It was a civil case. My granddaughter at
11 birth died, and it was a civil case as a result of
12 that.

13 Q. So was it -- is it fair to say it wasn't
14 related to any of your duties or capacities with
15 respect to being a police officer?

16 A. Correct.

17 Q. And have you ever been named as a defendant
18 in a lawsuit outside of this one?

19 A. No.

20 Q. Are you aware of any formal complaints that
21 have been lodged against you as a result of or
22 relating to your police work in any way?

23 A. Repeat that for me.

24 Q. Are you aware of any formal complaints having
25 ever been filed against you related to your police

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1 work?

2 A. No.

3 Q. Were you ever disciplined by the Miami
4 Township Police Department?

5 A. Yes.

6 Q. For what?

7 A. We had a -- there was a KKK rally in Dayton,
8 Ohio. I was a supervisor for a squad of officers to
9 protect and block off a certain area. One of the
10 officers came up behind me with a nightstick and
11 wrapped me over the head. I told him to stop.

12 He did it, I believe, two more times, and
13 on the third time he did it, he approached me from
14 the side, and we were in an area with protesters and
15 I thought it was a protester and I struck the
16 officer, and I received a day off on disciplinary
17 action, and so did he.

18 Q. Any other times you were disciplined by the
19 Miami Township Police Department?

20 A. Not that I recall.

21 Q. What did you do to prepare for your
22 deposition today?

23 A. Looked over a few depositions, read those.
24 They were sent to me by my attorney.

25 Q. And which depositions did you read?

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1 A. I read Scott Moore's, Rick Wolfe. I glanced
2 over a couple other employees from General Motors
3 that I don't recall their names. I don't know them.
4 I think that was all I saw.

5 Q. All right. Was one of the employees David
6 Burke? Does that sound familiar?

7 A. Yes.

8 Q. Was one of the GM employees, was that Keith
9 Stapleton?

10 A. Yes.

11 Q. Did you know Mr. Stapleton?

12 A. No.

13 Q. Anything jump out at you when you read the
14 deposition of Mr. Moore?

15 A. Well, refresh my memory on -- or it just told
16 me a story, but I don't know about the word "jumped
17 out" to me.

18 Q. Was there anything that you saw in the
19 deposition transcript for Mr. Moore that struck you
20 as contrary to what your memory was?

21 MR. KASSON: Objection. If you can
22 remember everything that was said, you can go ahead
23 and answer.

24 THE WITNESS: I don't -- are you saying
25 everything -- do I remember everything that happened

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1 back in '90- --

2 MR. OWENS: No.

3 MR. KASSON: He's asking you whether you
4 remember everything that's said in Moore's deposition
5 that you disputed, if you do.

6 THE WITNESS: No, I do not. I do not
7 remember everything, no.

8 BY MR. OWENS:

9 Q. What I'm asking you, actually, is something
10 different, which is whether or not anything, that as
11 you were reading the deposition, stuck out to you
12 that you disagreed with?

13 A. No.

14 Q. Do you agree with anything -- there was
15 nothing sitting here today that you can recall
16 disagreeing with when you read Mr. Moore's
17 deposition?

18 A. Truthfully, to answer that question, I'd have
19 to sit here and read it again. It's been probably a
20 day or two since I read it. So I don't want to get
21 trapped here and say one thing and have to change my
22 mind.

23 Q. Right. And what I'm asking you for is the
24 basis of your memory. I know you don't have the
25 document in front of you.

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1 How long ago did you read the deposition
2 transcript?

3 A. Probably about three days ago.

4 Q. Okay. And so what I'm wondering is, can you
5 tell me what you can recall from reading that three
6 days ago, whether or not there was anything that you
7 can recall that you disagreed with?

8 MR. KASSON: Again, objection. Asked and
9 answered. You can answer it again.

10 THE WITNESS: No. I can't say that I
11 openly disagree with anything specific, no.

12 BY MR. OWENS:

13 Q. Okay. Was there anything that you read that
14 you thought Mr. Moore said was untrue?

15 A. Not that I recall, no.

16 Q. Was there anything that you read in
17 Mr. Moore's deposition that you can recall that
18 conflicted with your memory of how things worked in
19 Miami Township during the period of time in which the
20 Wise sisters' rapes were being investigated?

21 A. It seemed like it was pretty much accurate.

22 Q. Now, you read the deposition testimony of
23 Mr. Wolfe as well, correct?

24 A. Yes.

25 Q. And did you know Mr. Wolfe at the time of the

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1 Wise sisters' rape investigation?

2 A. I did.

3 Q. And how did you know Mr. Wolfe?

4 A. I knew Mr. Wolfe just from being a part-time
5 reserve police officer at Miami Township.

6 Q. Were you in the Miami Township Police
7 Department when he was there?

8 A. As a part-time officer, yes. Actually, not
9 even as a part-time; as a reserve voluntary officer,
10 yes.

11 Q. You were a reserve or he was a reserve?

12 A. We both were.

13 Q. And then you later became full time?

14 (An off-the-record discussion was held.)

15 MR. DOWD: I think the question was
16 whether there was anything that's conflicted with his
17 memory of how things operated in Miami Township at
18 the time of the Wise sisters' rapes, and then it cut
19 out.

20 MR. OWENS: Okay. I asked about whether
21 or not there was anything -- those same sorts of
22 questions with respect to Mr. Wolfe, and getting some
23 background information about his memory of and
24 relationship with Rick Wolfe, and I was just about to
25 ask the same series of questions about Mr. Wolfe's

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1 dep, now that we have established that they knew each
2 other from being reserves officers.

3 MR. DOWD: Okay. Let me just back up.
4 In answer to the question whether he recalled
5 anything that conflicted with his memory of how
6 things operated in Miami Township at the time of the
7 Wise rapes, we didn't hear it. What was the answer
8 to that question?

9 MR. OWENS: The answer is "no."

10 MR. DOWD: Okay. All right. Thank you.

11 BY MR. OWENS:

12 Q. So you were a reserve officer of Miami
13 Township at the same time Rick Wolfe was?

14 A. I have to think about this, because I was
15 there and gone several times. I believe I was just
16 prior to being drafted into the military in 1972. I
17 think Rick was a reserve officer then, so I knew him,
18 did not know him well.

19 And I think he stayed there when I went
20 into the military. And when I came back in '75, I
21 think he was still there.

22 Q. After you came back to Miami Township in
23 1975, how long did you stay with the department?

24 A. I did not. After returning back from Korea,
25 I immediately went to Warren County Sheriff's Office

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1 in 1975.

2 Q. How long were you at Warren County Sheriff's
3 Office?

4 A. '75 until '86.

5 Q. And then where did you go in 1986?

6 A. I went to Montgomery County, Ohio, courtroom
7 security detail as a supervisor.

8 Q. How long were you working at Montgomery
9 county as a courtroom supervisor?

10 A. For about two years, until 1988.

11 Q. Where did you go in 1988?

12 A. In 1988, I was hired at the Montgomery
13 County, Ohio, prosecutor's office as a prosecutor's
14 investigator; welfare, theft, and fraud.

15 Q. What were your duties as a welfare, theft,
16 and fraud investigator for the Montgomery County
17 prosecutor's office in 1988?

18 A. I received case reports or complaints from my
19 supervisor, and it was my duty to investigate people
20 that were on welfare, receiving benefits through
21 Montgomery County in the state of Ohio, cheaters of
22 welfare funds. It was my duty to investigate and
23 bring to -- bring the case to the prosecutor's
24 office.

25 Q. Did you investigate any sexual assaults while

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1 you were at the prosecutor's office?

2 A. No.

3 Q. Murders, any serious crimes like that?

4 A. No, strictly welfare, theft, and fraud.

5 Q. How long were you in that position?

6 A. Until 1989 -- I'm sorry, until 1990, June of
7 1990.

8 Q. So what happened in June of 1990?

9 A. I believe it was right on my birthday, June
10 15 of 1990, I received a call from Captain Scothorn
11 of the Miami Township Police Department asking if I
12 was interested in a detective sergeant's position at
13 the police department.

14 We entered into negotiations, and right
15 around that date I was hired to go to Miami Township
16 Police Department as a detective sergeant.

17 Q. What did the negotiations involve?

18 A. We just talked about pay. We talked about
19 hours. We talked about company cars, retirement
20 system, that type thing.

21 Q. Okay. And so what were you hired on to do
22 specifically?

23 A. Run internal affairs at the Miami Township
24 Police Department -- excuse me, the "run" word is not
25 right. It is to investigate internal affairs under

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1 the supervision of Captain Marvin Scothorn and to be
2 the sergeant of the detective section.

3 Q. So you sort of had two multiple roles there;
4 is that right?

5 A. Yes, sir.

6 Q. Okay. Tell me first about what your duties
7 were from the internal affairs side of things.

8 A. I would be assigned a case generally from
9 Captain Scothorn or Chief Tom Angel concerning any
10 kind of allegations against any of our officers,
11 misconduct, criminal cases, civil -- not civil, but
12 internal cases, and I would investigate them and
13 report back to the captain.

14 Q. Were there any written general orders or
15 special orders governing how internal affairs
16 investigations worked in 1989?

17 A. 1990.

18 Q. Excuse me, yeah, June of 1990. Got it.

19 A. We had a standard operating procedure
20 booklet, pamphlet.

21 Q. And were you, as the internal affairs
22 supervisor, did you have somebody below you who did
23 the investigation, or did you do the investigation
24 yourself?

25 A. I did.

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1 Q. And then you would report that up the chair
2 to the captain and the chief?

3 A. Yes.

4 Q. And the chief at the time in 1990 was Tom
5 Angel?

6 A. Yes.

7 Q. And the captain was Marvin Scothorn?

8 A. Scothorn.

9 Q. Scothorn, excuse me.

10 A. Yes, sir.

11 Q. And Captain Scothorn is the one who hired
12 you, correct?

13 A. Well, the chief of police actually hired me.
14 Captain Scothorn, I guess, kind of reached out to me.

15 Q. Did you know Captain Scothorn from -- how did
16 you know him?

17 A. We had been personal friends and associated
18 on and off with Miami Township Police Department for
19 50 years.

20 Q. When did you first meet Captain Scothorn?

21 A. It was either 1968 or 1969, we were both in
22 high school. Chief Edward Ward of the Miami Township
23 Police Department put out an advertisement for police
24 cadets, and I applied with the department as a police
25 cadet, and so did Marvin Scothorn, and that's when we

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1 first met.

2 Q. You met as police cadets?

3 A. Yes, sir.

4 Q. You didn't meet at high school?

5 A. No, sir.

6 Q. All right. But you were both about high
7 school age?

8 A. We were high school.

9 Q. Do you keep up with Mr. Scothorn now?

10 A. I do.

11 Q. So was Mr. Scothorn reserve officer in Miami
12 Township when you were?

13 A. Yes.

14 Q. Now, June of 1990, did Mr. Scothorn tell you
15 why he was calling you about this position?

16 A. Yes.

17 Q. What was that?

18 A. He said that Steve Fritz had tendered his
19 resignation, and that he thought I would be a good
20 fit to come in, to come back to Miami Township to
21 take over the detective section and internal affairs
22 for him.

23 Q. Anything else you can remember that he told
24 you about Steve Fritz leaving the department?

25 A. Yes.

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1 Q. What's that?

2 A. He said that Steve Fritz was a disgruntled
3 employee. I do not know exactly why he was
4 disgruntled. I don't even remember if Captain
5 Scothorn told me. He said that he had walked in and
6 tendered his resignation, and came back a few days
7 later, after they had contacted me, came back into
8 the office and said, "I want" -- "I change my mind,
9 I'm not leaving." And they said, "Yes, you are. We
10 have replaced you."

11 Q. Were you there when that happened?

12 A. No.

13 Q. That's just what somebody told you?

14 A. That's what Captain Scothorn told me.

15 Q. Did you ever overlap with Steve Fritz in the
16 department?

17 A. No.

18 Q. Anything else you can recall about why
19 Mr. Scothorn told you that they needed to fill the
20 position?

21 A. Said they had given some thought to
22 internally filling the position, and they thought an
23 outsider was more appropriate.

24 Q. Okay. Did he say why?

25 A. No, I don't think so.

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1 Q. All right. So one aspect of your job when
2 you first joined the department was to do internal
3 affairs, correct?

4 A. Yes.

5 Q. The other side of the coin, as it were, was
6 to be the sergeant for the detective division,
7 correct?

8 A. Yes.

9 Q. And what were your duties as the sergeant for
10 the detective division in 1990?

11 A. Overall supervision of about -- I think we
12 had about five detectives, detectives that were
13 assigned cases, anything from serious misdemeanors to
14 homicides. We had a drug undercover investigator; I
15 would supervise him. Generally assign reports to
16 detectives to investigate, and offer assistance to
17 them and supervision whenever they needed it.

18 Q. Now, at the time, you said there were about
19 five detectives. Do you recall any of the detectives
20 who were there that you directly supervised when you
21 joined the department?

22 A. Yes.

23 Q. What's that?

24 A. There was --

25 Q. Or, excuse me, who is that?

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1 A. There was Detective Walter Nock, who is
2 deceased, drug --

3 Q. Can you spell Nock for me?

4 A. It was N-O-C-K.

5 Q. And did you say he was a drug investigator?

6 A. Drug investigator, yes, sir.

7 Q. Who else?

8 A. There was Michael Carr, C-A-R-R. There was
9 Scott Moore. There was John DiPietro. Myself. I
10 think that was it at the time, when I first got
11 there.

12 Q. Okay. Did any more -- were there any
13 additional detectives added within the first couple
14 years you were there, so say between when you arrived
15 in June of 1990 and the end of 1992, those first 18
16 months?

17 A. I don't think there was any added. There may
18 have been transfers in and out of detective section,
19 promotions.

20 Q. Anything that you can -- any person that you
21 can recall?

22 A. At those two years?

23 Q. Yes, sir.

24 A. Those first two years? I really don't
25 remember exactly the dates of the transfers, but I'm

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1 thinking that that staff that I named to you was
2 pretty much it for the first couple years.

3 Q. Okay. And now what were your duties in
4 relationship to supervising these detectives when
5 they were working on ongoing investigations?

6 A. When they were working an ongoing
7 investigation?

8 Q. Yes, sir.

9 A. As I said, first of all, I considered myself
10 not a micro manager. I didn't look over their
11 shoulder constantly. They were all fairly
12 experienced officers promoted into the detective
13 section. They had all, I believe, handled some
14 pretty significant cases in the past.

15 My daily duties were just to observe, to
16 be there for them. If they needed assistance or they
17 needed help on a case, I would assign additional help
18 to them. Ensure that their cases was wrapped up, so
19 to say, presented to the prosecutor's office, you
20 know, in as timely as could be. To assist them if
21 they requested any assistance for search warrants.
22 Just generally being there, being there for them.
23 Assigning cases to them. If they submitted reports,
24 I'd review the reports, document the reports to
25 records or whoever.

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1 Q. Anything else you can recall?

2 A. That was about it.

3 Q. All right. You mentioned that you would
4 review reports?

5 A. Yes.

6 Q. What was that process like? And at the
7 time -- I just want to be really clear so that we are
8 on the same page.

9 I'm talking about between June of 1990,
10 for about a year or year and a half after, until the
11 beginning of 1992.

12 A. If I recall, that was about the time period
13 that they switched from handwritten reports to
14 computerized generized [sic] reports.

15 The detectives would open up the main
16 case file or case report in the computer that they
17 had been assigned, and they would do a supplemental
18 report as the investigation was ongoing.

19 And they would either -- once finished
20 with that supplemental report, they would either, or
21 both, save it in the computer and/or print it out if
22 they were pretty much finished with it.

23 Once I received a printed copy of that
24 report, I'd look at it, review it, make suggestions,
25 sometimes talk to the detectives about it if need be,

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1 sometimes not, and generate or send that report to
2 the records section for filing.

3 Q. And when the reports were computerized, the
4 case reports, would you review them along the way or
5 just at the end of the investigation?

6 A. Generally at the end -- not generally.
7 Mostly at the end.

8 Q. And what circumstances would you not
9 review -- strike that.

10 In what circumstances would you review
11 supplementary case reports before the end of the
12 investigation?

13 A. Actually, I would have to say I don't
14 remember a specific incident of opening up a computer
15 to get into a detective's case file to look at it, so
16 I would have to say it was mostly at the end of the
17 case.

18 Q. And just to be clear about your testimony,
19 you can't recall ever having gone in before the case
20 was closed on a digital case file; is that correct?

21 A. Maybe if I had a supplement that I did, that
22 needed documented, maybe I would open up that file,
23 do the supplement, follow the same procedure, get it
24 to records. But to go in to say, I want to check on
25 Detective X's report, I don't recall ever doing that.

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1 Q. Great. And I want to hand you what's been
2 previously marked as Deposition Exhibit 6 from
3 Officer Gray's deposition, and I'm just going to
4 start at the third page.

5 Sir, do you recognize that?

6 MR. KASSON: So what I want you to do
7 first, before he directs you to the page, I want you
8 to look at the document starting with page 1. You
9 don't have to read the whole thing, but I want you to
10 look at the entire document to familiarize yourself.

11 MR. OWENS: It's totally inappropriate
12 for you to direct the witness during this deposition.

13 MR. KASSON: There's nothing wrong with
14 me telling him to look at the entire document before
15 he answers questions. It's done all the time.

16 MR. OWENS: It's never done. I mean, I'm
17 not trying to be obstructive or anything like that,
18 but I don't appreciate instructions to a witness
19 during a deposition.

20 BY MR. OWENS:

21 Q. Sir?

22 A. Yes.

23 Q. If your attorney has some additional
24 questions that he wants to ask you based upon this
25 document, when I'm done, he can. I'm going to move

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1 on, okay?

2 MR. KASSON: Well, he's going to get a
3 chance to look at the document before he's questioned
4 on it.

5 MR. OWENS: I mean, you are interrupting
6 me. I wanted to ask him a question. There's no
7 reason for you to interrupt me right now. I mean,
8 you can ask him what you want to when it's your
9 chance.

10 MR. KASSON: I'm telling him not to
11 answer until he gets a chance to look at the
12 document.

13 MR. OWENS: There's not even a question
14 pending. You are just instructing him to do things
15 during the deposition that's completely
16 inappropriate.

17 If we were at trial and he was on the
18 stand, you wouldn't get up there and say, hey, look
19 at the whole thing, would you?

20 MR. KASSON: For 27 years witnesses have
21 been able to look at documents before they get to
22 answer.

23 MR. OWENS: I have no problem with that.
24 I have a problem with you directing him to do so
25 during the deposition.

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1 MR. KASSON: Well, he's going to look at
2 it before he answers, so he knows.

3 MR. OWENS: This is completely
4 objectionable. It's completely inappropriate. It's
5 no different than you saying, hey, answer this way,
6 in my mind.

7 MR. KASSON: Are you trying to trick him
8 or something?

9 MR. OWENS: No.

10 MR. KASSON: Then let him look at it.
11 What's the matter?

12 MR. OWENS: I wanted to ask him a really
13 simple question about the format of the document, and
14 now he's sitting here for five minutes wasting my
15 time. It's my questioning.

16 MR. KASSON: Sure. Are you ready?

17 THE WITNESS: May I have just another
18 minute to look this over?

19 MR. OWENS: You can take as much time as
20 you want.

21 THE WITNESS: Thank you, sir.

22 I've familiarized myself. I did not read
23 it. Your question?

24 BY MR. OWENS:

25 Q. Sure. Did you review that before your

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1 deposition today?

2 A. No, sir.

3 Q. Did you review any documents before your
4 deposition today, outside of the deposition
5 transcripts that you described earlier?

6 A. Today?

7 Q. Did you review any other documents -- or
8 strike that.

9 Did you review any documents at all
10 outside of the deposition transcripts to prepare for
11 your deposition today?

12 A. No.

13 Q. No police reports?

14 A. No.

15 Q. No supplementary reports?

16 A. I don't have any.

17 Q. Okay. Did you review any documents from
18 Miami Township that had the Miami Township -- were on
19 Miami Township letterhead?

20 A. No.

21 Q. Did you review any photographic ID or lineup
22 reports?

23 A. No.

24 Q. Now, the document that you familiarized
25 yourself with, Exhibit 6, from Gray's deposition, is

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1 this the type of forms that supplementary reports
2 would take when they were done in the computer by the
3 detectives in 1990 and 1991?

4 A. Is it a type of format, is that your
5 question?

6 Q. Yes, sir.

7 A. Yes, it is.

8 Q. Was there a standardization for the format,
9 or how did that work?

10 A. There was -- to my knowledge, there was no
11 written standardization. No SOP.

12 Q. Sure.

13 A. I think this was a common practice that this
14 is the way things worked in a computer when you were
15 working with the report.

16 Q. Got it.

17 I know that computers have come a long
18 way since 1990. Do you remember whether or not the
19 program was essentially like a Word document or some
20 kind of continuous file, or what the setup was in
21 1990 and 1991?

22 A. I don't know, sir.

23 Q. Was it something that where a detective would
24 have a particular folder or were there separate --
25 was there a template of any sort?

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1 A. All I know is they got into the computer,
2 opened up the case file and started their work.

3 Q. Okay. And do you know whether or not at the
4 time in 1990 and 1991 that edits could be made to the
5 entire document once things were put in?

6 A. I would assume someone could edit.

7 Q. Yeah.

8 A. Prior to it being printed off, I would
9 assume, yes.

10 Q. And once it was printed off, it was your duty
11 to review it?

12 A. If I was there and received a report, yes.

13 Q. Who else would -- strike that.

14 Would there be anybody else who might be
15 there or responsible to review a report if you
16 weren't there at the time?

17 A. Yes.

18 Q. Who is that?

19 A. It could have been Corporal Bob Burling.

20 Q. What was his role?

21 A. I think I forgot to even mention him as some
22 of the original detectives, but Corporal Burling was
23 there and a detective sergeant at the time. His role
24 was basically my assistant. He would take over my
25 duties in my absence.

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1 Q. Okay. Fair to say that when a detective at
2 the Miami Township Police Department submitted a
3 report in 1990 or 1991, that it had to be reviewed by
4 some sergeant or supervisor?

5 A. When they printed it out, when they were
6 finished with their summaries or finished with the
7 investigation and it crossed our desk, yes.

8 Q. I guess what I'm wondering is, as a matter of
9 policy and practice at the time, did detectives have
10 to submit every report to a supervisor?

11 A. I would say yes.

12 Q. Now, other than the depositions you read, did
13 you do anything else to prepare for your deposition
14 today?

15 MR. DOWD: David, I didn't hear that
16 question, please.

17 MR. OWENS: I said, other than the
18 depositions that we previously discussed, was there
19 anything that you did to prepare for your deposition
20 today.

21 MR. DOWD: All right. Thanks. I just
22 didn't hear it, I apologize.

23 MR. OWENS: Okay.

24 THE WITNESS: I just arrived here.

25 ///

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1 BY MR. OWENS:

2 Q. Well, thank you for that.

3 A. Yes, sir. You are welcome.

4 Q. Did you have any conversations with your
5 attorneys about the deposition today?

6 MR. KASSON: Objection. Don't answer
7 that. I think you can ask whether he had a
8 conversation with me, and the minute you say anything
9 about the deposition, you are intruding into what was
10 discussed, right, so --

11 BY MR. OWENS:

12 Q. So did you have any meetings with your
13 attorneys in advance of your deposition today?

14 A. Not today, no.

15 Q. Did you have any attorneys at -- excuse me.

16 Did you have any meetings at any time
17 with your attorneys in advance of your deposition
18 today?

19 A. Yes.

20 Q. And how long was the most recent meeting?

21 A. Yesterday.

22 Q. And how long was the meeting?

23 A. Two hours, max, I think.

24 Q. And was anybody else present at the meeting
25 other than you or your attorneys?

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1 A. No.

2 Q. And have you had any conversations with any
3 of the other named defendants in this lawsuit about
4 the lawsuit?

5 A. Today?

6 Q. No, at any point.

7 A. Yes.

8 Q. All right. Who have you spoken with?

9 A. I've spoken with my -- you said "defendants."
10 I've spoken with Steve Gray and Marvin Scott.

11 Q. Have you spoken with anybody else from the
12 Miami Township Police Department about this lawsuit?

13 A. No.

14 Q. Have you spoken with any witnesses in this
15 case about the lawsuit?

16 A. No.

17 Q. Have you -- outside of your attorneys,
18 Mr. Scothorn and Mr. Gray, who have you spoken with
19 about this lawsuit?

20 A. My wife.

21 Q. What did you tell your wife?

22 A. Of course, she was curious about what it was
23 all about. And I basically told her that this rape
24 case had occurred prior to me arriving at Miami
25 Township. Was assigned to Scott Moore by an

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1 authority other than me to investigate. He
2 investigated. It went to trial twice.

3 The man was convicted twice. Sent to
4 prison, got out someway or another 20 years later.
5 And found some attorneys to file a lawsuit for
6 allegedly a conspiracy of trying to set him up and
7 frame him.

8 Q. All right. Sorry.

9 A. That was it.

10 Q. I didn't mean to interrupt you. So it's
11 sometimes like in the course of normal conversation
12 when you think somebody is done, you might start in,
13 so let me give you some space.

14 Were you finished with your answer?

15 A. I was just going to say, so she wanted to
16 naturally ask, "Did you do anything wrong? Are we in
17 jeopardy, or what?"

18 And I just told her, I said, "We have
19 good counsel representing us." And, "No, I didn't do
20 anything wrong."

21 Q. All right. What did you talk about with
22 Mr. Scothorn?

23 A. We talked about who actually assigned that
24 case to Scott Moore. He gave me his answers. And we
25 talked about did either one of us do anything wrong

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1 or know of anything wrong.

2 Q. Who assigned the case to Scott Moore?

3 A. My understanding from Captain Scothorn was,
4 after Fritz left or right at the time period that --
5 let me back up.

6 Right at the time period he left, Captain
7 Scothorn's words were, "The chief and I decided to
8 put fresh eyes on this investigation." And it was
9 assigned to Scott Moore for investigation prior to me
10 getting to Miami Township.

11 Q. And that's what Captain Scothorn told you?

12 A. Yes.

13 Q. And when was that?

14 A. Probably back in the summer. I don't have an
15 exact date.

16 Q. Last summer?

17 A. Yes, this past summer.

18 Q. And anything else that -- strike that.

19 What else did you speak with Captain
20 Scothorn about relative to this case over the summer?

21 A. General conversation was -- I guess we had
22 been accused of an ongoing conspiracy to frame Roger
23 Gillispie.

24 And we both commented, "Hell, we don't
25 even know Roger Gillispie. We have no reason to

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1 frame Roger Gillispie."

2 I told Scothorn I didn't do anything
3 wrong, didn't know of anybody that did anything
4 wrong. It looked like the case was handled well to
5 me and investigated well and prosecuted well.

6 And his response was basically the same
7 thing, and that's about it.

8 Q. Anything else you can recall about his
9 response?

10 A. Yes. He said -- we both said we wonder why
11 Gary Williams is not named in this somewhere along
12 the line, because Gary Williams was my immediate
13 supervisor for the detective section and he worked
14 underneath Captain Scothorn.

15 So we kind of thought that for the
16 first -- sometime in this investigation that Scott
17 Moore probably answered to Gary Williams just before
18 I got there or right after I got there in Miami
19 Township, but neither one of us really know if that's
20 true or not. Certainly, I don't know if it's true.
21 And Scothorn said he just couldn't remember who Moore
22 was reporting to.

23 Q. Do you have any independent memory of Scott
24 Moore working on the Wise sisters' rape or this
25 prosecution?

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1 A. It's very vague to me.

2 Q. Okay. What's the vague memory that you have
3 sitting here today?

4 A. Well, vaguely, what is vague is I don't
5 remember Detective Moore investigating or interacting
6 with the alleged victims or the victims in this case.
7 I don't remember any sit-down interviews or
8 recordings, in-person lineups or photo lineups that
9 he may have presented to the victims. I don't -- I
10 have no knowledge of that, that I can recall, or
11 search warrants.

12 Really, I don't remember anything -- or,
13 I don't remember having any real knowledge of the
14 case for the first, I don't know, at least weeks,
15 maybe a couple months, that I was even there. I just
16 don't remember knowing that he had prior cases.

17 The thing I do remember is he showed me a
18 photograph of Roger Gillispie. And that's, in my
19 mind from 20 years ago, that's the first thing I can
20 really recall.

21 Q. All right. Do you remember what the
22 circumstances were when he showed you that
23 photograph?

24 A. I just remember of the discussion of the case
25 being -- I think being prepared for trial, or at

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1 least being sent to the prosecutor's office. And I
2 remember saying, "Who is this Roger Gillispie?
3 What's he look like?" And I was showed a photograph.

4 Q. Is that from an identification badge from
5 General Motors?

6 A. I do not remember the structure of the
7 photograph. I just remember a photograph.

8 Q. Do you know if it was a Polaroid?

9 A. I do not recall.

10 Q. Did you directly oversee Scott Moore in his
11 preparation of any photographic lineups?

12 A. No.

13 Q. And what was your process for reviewing
14 lineup identification procedures by detectives in
15 1990, 1991?

16 MR. KASSON: Objection to the form. It
17 assumes there was a process.

18 Go ahead, answer.

19 MR. OWENS: No, let me fix the objection.

20 BY MR. OWENS:

21 Q. Was there a process for reviewing
22 identification procedures by your detectives in 1990
23 and 1991?

24 A. At the time, I do not recall a written SOP or
25 standard operating procedure, as far as a written

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1 documentation of that. What I do recall is the
2 officer -- the detectives constructing the photo
3 lineup from a multitude of available photographs or
4 mug shots at the police department. That was the
5 primary source of the photograph.

6 They would arrange an array, sometimes --
7 if I recall, six, maybe eight photographs. I'm sure
8 nothing less than six, probably no more than eight,
9 for one suspect on one incident.

10 They would concentrate on having
11 photographs of the suspect being like and similar.
12 They would pay special interest, obviously, to race,
13 to the physical structure, facial hair structure.
14 Just try to get photographs of somebody that's as
15 close as they can to the suspect, put it in an
16 organized chart or bundle, and present it separately
17 to the victim or victims individually.

18 They may have them -- without trying to
19 prejudice the identification that might be made by
20 the victim, they would not refer to names and that
21 type of thing. They would just simply say, "Look at
22 it. Do you see anybody that looks familiar that may
23 have assaulted," or whatever the case may be.

24 If they identified that person, they may
25 have the victim sign their name on that particular

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1 photograph, date it and the time, and present that
2 information to the prosecutor's office somewhere
3 along the line.

4 Q. Now, were there any -- now, what was the
5 review of any of those practices that you would do as
6 a sergeant?

7 A. Really, nothing, unless the officer or the
8 detective came to me and needed assistance in
9 constructing it or presenting it.

10 Q. Now, you mentioned a couple minutes ago that
11 there was some kind of photo databases that used --
12 excuse me. Strike that.

13 You mentioned a moment ago that there was
14 photo databases that detectives could use to generate
15 the photo arrays. Do you recall that?

16 A. Yes.

17 Q. And what were those photo databases that were
18 available in 1990 and 1991?

19 A. During that time period, the best I can
20 recall, was just a photo album-type things, mug shot
21 books that we housed in the detective section from
22 people who had been arrested in the past, or what we
23 called a field interrogation; somebody that's acting
24 suspicious, there was reason for us to be there, for
25 the patrol officer to be there. The patrol officer

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1 may take a Polaroid and do what was called a memo
2 card, just a brief card saying that on such a date, I
3 saw John Doe. John Doe was acting suspicious, had no
4 identification. We took a photograph.

5 That's it. We would house that at the
6 detective section. Detectives would have access to
7 those photo books or mug books.

8 Q. And those would include Polaroid pictures,
9 correct?

10 A. Yes, they would include Polaroid.

11 Q. And they would include sort of mug shots,
12 booking shots; is that correct?

13 A. Not everybody's mug shot was kept there, but
14 some of them. I don't know what the reasons would
15 have been, I don't remember, but, yes, some had mug
16 shots.

17 Q. Now, under what circumstances were police
18 officers used for photographs to go in six packs?

19 A. Under what circumstances?

20 Q. Yes.

21 A. Police officers?

22 Q. Yes.

23 A. Well, if they are in uniform, none, unless
24 it's a uniformed officer that's a suspect.

25 Q. What about if they are out of uniform, would

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1 it be appropriate in 1990 and 1991 for a detective to
2 use pictures of police officers in a photographic
3 lineup?

4 A. If a police officer -- first of all, let me
5 back up to say I would hesitate doing that, because
6 that officer might have been seen out on the street.

7 But, under certain circumstances if
8 that -- if that police officer was like and similar
9 in age and physical structure of the person and
10 looked like and similar to that person, I don't know
11 that it would be that big of a deal; it could be
12 used.

13 Q. Any other hesitations that you would have in
14 putting police officers in a photographic lineup?

15 A. You certainly wouldn't want to put a
16 detective or police officer that's undercover in a
17 photo lineup, but just for a general police officer,
18 I don't think it was ever common practice, but it's
19 possible.

20 Q. Are you aware of any time that you were
21 included in a photographic lineup?

22 A. I don't remember being involved.

23 Q. Would you be surprised to find out that you
24 were included in a photographic lineup?

25 A. No, because I've heard that I was in this

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1 photo lineup. I wouldn't be surprised today. But
2 when I learned that, yes, I was surprised.

3 Q. Okay. When did you learn that?

4 A. I honestly don't remember when it was or how
5 I learned of it.

6 Q. Okay. Did you learn that from a conversation
7 that you had with Mr. Scothorn?

8 A. No.

9 Q. Did you learn that from reading Mr. Moore's
10 deposition?

11 A. It might have been -- might have been
12 Mr. Moore's -- Detective Moore's deposition.

13 Q. Okay. Do you remember reading me where I
14 asked him a bunch of questions about including police
15 officers in the photo array? Does that strike you --
16 sound familiar?

17 A. Yes.

18 Q. So is it fair to say that, before you read
19 that, you didn't know that you had been included in
20 the lineup?

21 A. I don't remember being included in the
22 lineup.

23 Q. Okay. Now, I just want to be really clear
24 about the way in which your supervision of Detective
25 Moore would have worked in 1990.

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1 And for the photographic lineup, it would
2 have been consistent with the practices of the
3 department, as you understood them, for him to create
4 the lineup without showing it to you before he showed
5 it to the victims, correct?

6 A. Would it be consistent?

7 Q. Was it the practices of the department for
8 Detective Moore to have made the lineup and then
9 shown it to the victims without having any other
10 officer review it?

11 A. Yes.

12 MR. KASSON: Objection. Form.

13 BY MR. OWENS:

14 Q. And it would have been consistent with the
15 practices of the department for Officer -- excuse me,
16 strike that.

17 It would have been consistent with the
18 practices of the department, as you understood them
19 at the time, for Detective Moore to include police
20 officers in the lineup, correct?

21 A. So before I answer I'd like to make sure I'm
22 clear on that. Could you repeat it, please?

23 Q. Yeah. Let me just ask it slightly
24 differently.

25 In 1990, it would not have violated any

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1 practice or rule of the department for Detective
2 Moore to include police officers in the photographic
3 lineup, correct?

4 A. Yes.

5 Q. And are you aware of any circumstances in
6 which Miami Township detectives used the Miami Valley
7 Regional Crime Lab to create pictures to be used in a
8 photographic lineup?

9 A. Am I aware?

10 Q. Yes.

11 A. I am not.

12 Q. Is that something that you ever specifically
13 recall approving?

14 A. I never did.

15 Q. So I guess I just want to be a little bit
16 clear. As a supervisor for Detective Moore over the
17 Wise rape investigation, you would have reviewed the
18 supplementary reports that were typed up, correct?

19 MR. KASSON: Objection.

20 THE WITNESS: For Detective --

21 MR. KASSON: Asked and answered.

22 You can go ahead and answer again.

23 THE WITNESS: For Detective Moore's rape
24 investigation on the Gillispie case?

25 ///

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1 BY MR. OWENS:

2 Q. Yes.

3 A. I'm not so sure that I was receiving his
4 investigative or supplemental reports because I did
5 not assign that case to him. It was assigned before
6 I got there.

7 I was unaware that he was working that
8 case for a period of time that I don't remember how
9 long it took. He may -- he may have submitted
10 reports to a higher authority than me, and he may not
11 have submitted those reports at all, I don't know.

12 Q. But I guess I thought we were on the same
13 page. At the end of the case you would have reviewed
14 the supplementary reports that were in Exhibit 6,
15 correct?

16 MR. KASSON: Objection. He didn't
17 testify to that. Asked and answered. You can answer
18 it again.

19 THE WITNESS: I'm sure at some point in
20 time. Definitely later on I looked at them, yes.

21 BY MR. OWENS:

22 Q. Right. I thought we established earlier,
23 once the case is closed, you would have reviewed the
24 reports, unless you happened to not be there and Bob
25 Burling would have; is that correct?

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1 A. Yes. But you didn't ask which case that was,
2 I don't believe. So cases that I assigned to
3 Detective Moore, I expected supplemental reports.

4 Q. Right.

5 A. And I kept track of supplemental reports in
6 the assignment book. For the Gillispie case, I did
7 not keep track of supplemental reports because I
8 didn't assign it to him, and I didn't know about it
9 for quite some time.

10 Q. And when you said there was an assignment
11 book, what is that?

12 A. It was just a ledger, a written ledger of
13 cases that I personally assigned to individual
14 detectives, and would note the date, the time of
15 assignment, the specific detective and the required
16 supplemental date that I expected a return on his
17 supplemental investigation.

18 Q. Okay. And you didn't do any of that stuff
19 with respect to Detective Moore in this case, because
20 you didn't assign him the investigation; is that
21 correct?

22 A. That is correct.

23 Q. And you can't tell me who would have been
24 responsible for doing the direct supervision of
25 Mr. Moore in this investigation; is that correct?

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1 MR. DOWD: Objection. Foundation.

2 BY MR. OWENS:

3 Q. Go ahead.

4 MR. KASSON: You can answer.

5 THE WITNESS: I can only assume who it
6 was. I do not know for sure.

7 MR. KASSON: Well, don't guess. If you
8 are guessing, that's --

9 MR. OWENS: See, you can't do that. You
10 know that.

11 MR. KASSON: Tell him not to guess?

12 MR. OWENS: No, you can't. You can't
13 direct the witness on how to answer a question when
14 the question is posed. That's completely improper.

15 MR. KASSON: Are you telling him you want
16 him to guess?

17 MR. OWENS: No. He can answer the
18 question. If he needs to ask --

19 BY MR. OWENS:

20 Q. Let's be clear, sir. Today you are here
21 represented by counsel, right?

22 A. Yes, sir.

23 Q. And you haven't given a deposition before, so
24 let's talk about some of the ground rules, all right?

25 A. I have given a deposition before.

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1 Q. It's been a while, right?

2 A. Yes, sir.

3 Q. All right. So I'm asking you questions under
4 oath. Do you understand that?

5 A. Yes.

6 Q. You understand that the oath you gave today
7 is the same one you would have given in court,
8 correct?

9 A. Yes, sir, I do.

10 Q. All right. So from time to time, attorneys
11 may object, okay? We just had an example of that.

12 A. Yes, sir.

13 Q. And unlike being in court, there's no judge
14 to resolve the objections, right? And so unless the
15 question involves an issue related to privilege, you
16 know, whether it's an attorney/client type of a
17 conversation, you will answer the question, and then
18 we'll resolve whether the objection was right or
19 wrong later in front of the judge, okay?

20 MR. KASSON: Just so we are clear, when I
21 object, you will answer it if I tell you to answer
22 it, you won't answer it if I tell you not to answer
23 it. That's our rule, okay?

24 THE WITNESS: I understand, sir.

25 MR. KASSON: All right. That's the rule.

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1 BY MR. OWENS:

2 Q. Okay. So the way a deposition works is just
3 the same as other testimony. You understand that?

4 A. Yes, sir.

5 Q. All right. And if there's an objection from
6 counsel about the form of the question or things like
7 that, those are objections that we will deal with
8 later. That's not something that we can resolve
9 here, unless we stop every time there's an objection
10 and call the judge. And you can imagine why judges
11 wouldn't want that.

12 Okay. Now, my question was whether or
13 not you can tell me who directly supervised Scott
14 Moore on this investigation, if it was anyone at all?

15 MR. KASSON: Objection to the form. You
16 can answer.

17 THE WITNESS: I cannot tell you with
18 accurate, truthful firsthand knowledge exactly who it
19 was, because I didn't know.

20 BY MR. OWENS:

21 Q. Okay. So you learned about the investigation
22 into the Wise rape sometime after you started; is
23 that correct?

24 A. Yes.

25 Q. And who were the other potential people that

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1 could have been overseeing Mr. Moore on the case?

2 A. I would think it would be one of three
3 people.

4 Q. Sure.

5 A. It would be Lieutenant Gary Williams, my
6 immediate supervisor as far as detective section. It
7 could have been my supervisor, Captain Marvin
8 Scothorn; he was my supervisor over internal affairs.
9 Or it could have been the chief of police.

10 Q. And that was Tom Angel at the time?

11 A. Yes, I'm sorry. Tom Angel.

12 Q. Thank you.

13 Was Gary Williams in the department when
14 you got there?

15 A. Yes.

16 Q. And was he there after you left?

17 A. No.

18 Q. All right. How long was Mr. Williams in the
19 role that he was in as your immediate supervisor?

20 A. I'm guessing, four or five years.

21 Q. And what was the title?

22 A. Lieutenant.

23 Q. Lieutenant.

24 So you were a sergeant?

25 A. Detective sergeant.

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1 Q. Detective sergeant.

2 And then he would have been the
3 lieutenant or detective lieutenant?

4 A. Administrative lieutenant, one step above me.

5 Q. Okay. And then above that would have been?

6 A. Captain Marvin Scothorn.

7 Q. Only one more left in the chain?

8 A. Chief Thomas Angel.

9 Q. Thank you.

10 A. Yes, sir.

11 Q. How long were you at the Miami Township
12 Police Department?

13 A. From 1990 until September of 1998, eight
14 years.

15 Q. Was there ever, from what you can recall
16 while you were there, sort of an overhaul to the
17 policies and SOPs or anything like that led by Chief
18 Angel?

19 A. Yes.

20 Q. When was that?

21 A. I don't remember the year, sir. It was
22 probably, I'm guessing, 1993 or 1994; we went through
23 accreditation.

24 Q. And as a part of the accreditation process,
25 the SOPs and policies were written up and redone; is

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1 that fair to say?

2 A. It is.

3 Q. And the Wise investigation happened before
4 that accreditation process, correct?

5 A. Yes.

6 Q. Did you ever have any other positions in the
7 department before you left in 1998?

8 A. Yes.

9 Q. What was that?

10 A. I transferred out onto the road and was a day
11 shift road patrol supervisor as a sergeant.

12 Q. And do you recall roughly what years you did
13 that?

14 A. I think it was in 1997, I believe.

15 Q. Did you retire in 1998?

16 A. Yes, I did.

17 Q. And how long have you been here in Tennessee?

18 A. Twenty years.

19 Q. So did you have any impressions of Scott
20 Moore as a detective?

21 A. Yes.

22 Q. What was that?

23 A. Scott Moore, as a detective, my impression
24 would be that he was a very thorough investigator.
25 He was knowledgeable. He was probably above average

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1 as an investigator.

2 He was -- I've often said he's the type
3 of investigator that if you wrote a bad check on or
4 committed a forgery -- because that was his main
5 responsibilities that I would assign him to -- if you
6 wrote a bad check, you wouldn't want him on your --
7 on your tail. He would track you down.

8 He was thorough in presenting his cases
9 to the prosecutor's office. He was punctual. He
10 showed up for work. He was -- he was not receptive
11 to supervision very well. He was kind of
12 independent. He liked to act independently.

13 But basically he was a good detective,
14 and I think -- I was very proud of him the way he
15 finalized this case and got convictions, not once,
16 but twice.

17 Q. And would that be something sort of how in
18 the department officers thought about cases; being
19 successful means securing a conviction as a result of
20 your investigation?

21 A. Repeat that to me, please.

22 Q. I was just trying to understand the
23 perspective. And I thought your testimony was that
24 you were proud of him because he was able to get
25 convictions, not once, but twice, in this case;

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1 correct?

2 A. I think yes would be the answer. Certainly,
3 anytime you have a major case investigation like that
4 where you have got multiple victims that's been
5 harmed and you investigate and you present it to the
6 prosecutor's office and they accept your
7 investigation and they present it to a jury and you
8 get a conviction once, an appeal, and you get the
9 conviction again, yes, it's something to be proud of,
10 and should be recognized by the police department.

11 Q. And was that something that was -- sort of
12 officers in the department paid attention to, whether
13 or not a case that you investigated, a major case,
14 resulted in a conviction?

15 A. Sure.

16 Q. Now, I believe you testified that Detective
17 Moore was somewhat independent; is that correct?

18 A. Yes.

19 Q. And did you ever have any problems or
20 concerns associated with that level of independence?

21 A. Yes.

22 Q. What was that?

23 A. Later on, after the Gillispie case -- I
24 believe this all occurred after the Gillispie case
25 had been adjudicated on the second time. Detective

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1 Moore applied for and was granted permission to
2 transfer to the CANE unit in Montgomery County, Ohio,
3 that is the combined -- I believe it's called the
4 Combined Agency Narcotics Investigators.

5 It's a drug investigation squad with the
6 Montgomery County Sheriff's Department and regional
7 departments in Montgomery County. And he was
8 promoted -- I won't say "promoted," it wasn't a
9 promotion. He was transferred to that position by
10 Chief Tom Angel.

11 Q. Then what happened?

12 A. He was transferred to that position and was
13 directly supervised by Dave Vore, who later became
14 the Montgomery County sheriff.

15 Dave Vore called me up a couple of times
16 and said, "I've got a concern with Detective Moore.
17 He's independent." He -- "We are having problems
18 with him, trying to convince him that he needs to let
19 his supervisor directly know where he's going, what
20 he's doing, who he's out in the field with, what he's
21 investigating, contacts he's being with."

22 We are talking drug investigations. I
23 said, "I'll have a talk with him."

24 We did have those talks. I received a
25 couple of more phone calls from Dave Vore. We had

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1 additional -- I had additional talks with Detective
2 Moore. And at one point or another Dave said, "Go
3 talk to your chief and tell him to send me somebody
4 else."

5 I talked to my captain, then I talked to
6 the chief with my captain. We suggested to pull
7 Scott Moore out of CANE, get him back into Miami
8 Township.

9 The chief said, "No, he will stay there."
10 I got a subsequent call again from Dave Vore, and
11 Dave Vore said, "Either you take him out, or I'm
12 going to take him out."

13 And I said, "Okay, I'll tell the chief."
14 And I told the chief, and at some point or another
15 Chief Moore -- or Chief Angel recalled him back to
16 the police department.

17 Q. Now, when you first started in the
18 department, did anybody say anything to you about
19 Moore being independent or needing -- struggling with
20 supervision or anything like that?

21 A. Yes.

22 Q. And who was that?

23 A. Captain Scothorn.

24 Q. When did that conversation happen?

25 A. I don't remember. I don't have the date. I

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1 didn't document it, but it was when I first got
2 there.

3 Q. So you knew to try to keep an eye out on
4 Detective Moore?

5 A. It was in the back of my mind, yes.

6 Q. And were you aware of whether or not the Wise
7 rape investigation was one of the first major cases
8 he had as a detective?

9 A. Say that again now.

10 Q. Were you aware of the fact that the Wise rape
11 investigation was one of the first major cases that
12 he had as a detective?

13 A. Not when I first got there, no.

14 Q. When you learned about the case, did you
15 become aware of that fact?

16 A. Yes.

17 Q. And you knew that he had only been a
18 detective for a little bit of time, correct?

19 A. Yes.

20 Q. That's something that you learned when you
21 spoke with Mr. Scothorn when you started, correct?

22 A. Yes.

23 Q. It sounds like Captain Scothorn gave you sort
24 of a rundown of the back story of all of the guys
25 that you were supervising; is that fair to say?

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1 A. Quite a few of them, yes.

2 Q. Well, definitely Mr. Moore, though, correct?

3 A. Yes.

4 Q. Anything else you can recall about what
5 Captain Scothorn told you when you were initially
6 starting as it relates to Mr. Moore?

7 A. Yes.

8 Q. What is that?

9 A. Well, in a general conversation he told me
10 things like, "You know Scott is Jim Moore's son."

11 Jim Moore was the previous police chief.

12 And I said, "Yes."

13 And it was implicated that Chief Angel
14 kind of owed a little bit of allegiance to Chief
15 Moore for getting Tom Angel the job as police chief.
16 So it was kind of thought that the chief would go an
17 extra step for Scott Moore.

18 Q. Anything else?

19 A. That's about it.

20 Q. Is it fair to say that Scott Moore had a
21 little bit of extra leeway as a young detective,
22 given the fact that --

23 MR. KAY: Objection.

24 MR. DOWD: I'm also going to object. I
25 didn't even hear the question, so --

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1 MR. KASSON: Are you sure it's
2 objectionable?

3 MR. DOWD: Since I didn't hear it, I
4 object.

5 BY MR. OWENS:

6 Q. All right. Is it fair to say that Scott
7 Moore had more leeway as a young detective in the
8 department because his father was the former chief?

9 A. There was that appearance.

10 MR. DOWD: I'd object as to foundation.

11 THE WITNESS: There was appearance of
12 that, yes, in my opinion.

13 BY MR. OWENS:

14 Q. And that's what you observed as a newcomer to
15 the department?

16 A. Yes.

17 Q. Did you ever hear the word "cowboy"
18 associated with Scott Moore at all?

19 A. Yes.

20 MR. KAY: Objection.

21 BY MR. OWENS:

22 Q. And tell me anytime you can remember hearing
23 that.

24 A. I believe it came up in the conversations
25 with Dave Vore, the director of CANE, the Montgomery

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1 County Sheriff's Office, somewhere in that time
2 period.

3 Q. Did you ever hear the term "cowboy"
4 associated with Scott Moore when you first started at
5 the department?

6 A. No, I don't think so.

7 Q. Did you ever have any personal conversations
8 with Steve Fritz?

9 A. Yes.

10 Q. In what context?

11 A. Very short, more like greetings. "Hey, how
12 are you doing?" "Hello." "How is it going at the
13 township?" "How is it going at Warren County
14 Sheriff's Office?" And that was about it. I knew
15 very little -- I had very little contact with Steve
16 Fritz.

17 MR. KASSON: When you get to a good
18 breaking point, let's take a break, whenever it is
19 good for you.

20 BY MR. OWENS:

21 Q. Yeah. I should have said this earlier too.
22 If you ever need a break at any point during the
23 deposition, feel free to take one, so long as there's
24 not a question pending. So you if you answer the
25 question, then we can take a break.

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1 I don't mean for this to be an endurance
2 contest. I keep meaning to take a break, but then I
3 forget because I have all of my thoughts going. So
4 feel free to ask for one, and this is a fine point to
5 do that.

6 A. I understand. Thank you.

7 MR. OWENS: So we'll just take five.

8 (An off-the-record discussion was held.)

9 BY MR. OWENS:

10 Q. So you didn't have any -- fair to say you
11 didn't have any professional interactions with
12 Mr. Steve Fritz?

13 A. I did not.

14 Q. What about Gary Bailey?

15 A. I know Gary as a police officer and as a
16 corporal with the Miami Township Police Department.
17 We worked together on the force at the same time
18 period.

19 Q. And you mentioned that ranking a couple
20 times, corporal. What was the corporal rank? Where
21 did that fall within the hierarchy at the time?

22 A. A corporal position, whether it be on the
23 street or in the detective section -- on the street
24 it would have been higher than a patrolman's rank,
25 and just underneath a patrol sergeant's rank; the

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1 same way with the detective. A detective corporal
2 would be one step above detective, one pay grade
3 below detective -- I'm sorry, sergeant detective.

4 Q. Okay. And when you were at the department,
5 you were -- Mr. Bailey had already left the detective
6 division, correct?

7 A. I don't believe he was ever in the detective
8 section with me.

9 Q. Now, I understand your testimony today is
10 that you didn't directly supervise Mr. Moore on the
11 Wise case, and you learned about it sometime after
12 you first arrived at the department, right,
13 basically?

14 A. Yes.

15 Q. And what I'm wondering is, did you ever read
16 the initial case reports, the handwritten ones, for
17 the Wise case?

18 A. No.

19 Q. Would it have been in your practice to do so?

20 A. If I'd known about it at the time, yes.

21 Q. And why didn't you do it -- why didn't you
22 read the original reports and get caught up on it
23 when you found out about the case?

24 A. When I found out about the case, I can't say
25 that I didn't. I may have when I found out about the

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1 case. I don't remember.

2 Q. When you were initially -- when you initially
3 arrived in the department and you started assigning
4 cases to the detectives, did you read the underlying
5 handwritten reports to the extent that they existed
6 from the original incident?

7 A. Of cases I was -- that was brought aware to
8 me?

9 Q. Yeah.

10 A. That was presented to me? I would at least
11 skim over them, yes.

12 Q. Now, do you remember going to Mr. Gillispie's
13 house and being present for his arrest?

14 A. I do not.

15 Q. Did you have any conversations with Scott
16 Moore about the evidence that he believed that he had
17 against Gillispie that would have justified his
18 arrest?

19 A. I do not.

20 Q. Do you remember having a conversation with
21 Scott Moore about whether or not Gillispie should be
22 allowed to stay at his house when a search warrant
23 was being effectuated?

24 A. I have no knowledge.

25 Q. Do you deny that or is it just something that

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1 you don't recall?

2 A. I don't remember ever having that
3 conversation.

4 Q. All right. Let's go back to what we have got
5 here as Exhibit 6. Now, on the bottom do you see
6 that there are numbers -- we call those Bates numbers
7 in the law. Do you see the numbers there, sir?

8 A. Yes.

9 Q. Would you take a moment and turn to the page
10 number that says 35106 at the bottom.

11 A. 35106, okay.

12 Q. Yes, sir. Do you see the entry there that
13 starts about halfway down?

14 A. Yes.

15 Q. All right. And would you just take a moment
16 to just review that, and I think it goes onto the
17 next page, and then just look up once you have had
18 the chance to review that portion of the document.

19 A. I've reviewed it.

20 Q. All right. Now, do you see this mentions
21 yourself being present for the arrest of
22 Mr. Gillispie?

23 A. I see it.

24 Q. Does this refresh your recollection one way
25 or the other about whether or not you were present

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1 for that?

2 A. I do not recall. Don't think it ever
3 happened.

4 Q. Why don't you think it ever happened?

5 A. I don't remember it.

6 Q. Do you know anybody named Sergeant Jones at
7 the Fairborn Police Department?

8 A. No.

9 Q. Would Sergeant Jones have been -- had any
10 right to provide sergeant -- excuse me, strike that.

11 Would Sergeant Jones or any officer from
12 the Fairborn Police Department have had the authority
13 to provide an order to Scott Moore effectuating this
14 arrest?

15 MR. KASSON: Objection. I don't
16 understand the question. If you understand it, you
17 can answer.

18 THE WITNESS: I don't understand it. I
19 was going to ask you to clarify it.

20 BY MR. OWENS:

21 Q. Sure. So do you see how -- well, let's just
22 make it easier.

23 Would it be typical practice for you as a
24 sergeant in Miami Township Police Department in 1990
25 to go out and effectuate arrests with detectives?

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1 A. No.

2 Q. And why not?

3 A. My understanding from my supervisor, Captain
4 Scothorn, his thinking was supervisors supervise,
5 detectives go out in the field and detect.

6 That was contrary to what I had done at
7 other departments. Plus, we had fewer people at the
8 other department. So as a detective sergeant, I was
9 also out in the field a lot more.

10 At Miami Township it was expected to let
11 the field detectives go out and do their
12 investigations, and if they needed assistance, ask
13 for it, and I would go. Or if I saw something that I
14 thought needed my attention, I would do.

15 Q. Okay. And so you did not go with Scott Moore
16 to arrest Dean Gillispie; is that correct?

17 A. I did not.

18 Q. Now, earlier today -- you can put that to the
19 side, sir -- you mentioned having a log of the cases
20 that you organized when you wanted the sups back. Do
21 you recall that you had a book that you kept the
22 supplementary reports logged in; is that correct?

23 A. Yes.

24 Q. Did I get the description of that wrong?

25 A. Logbook is fine. Journal. Case report book.

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1 Q. How would you describe it?

2 A. I just referred to it as my case report book.

3 Q. Now, was that yours or something that was
4 generally maintained by the department?

5 A. It was basically mine. I brought --
6 basically brought that idea with me.

7 Q. So that's not a practice that existed before
8 you arrived?

9 A. Not to my knowledge.

10 Q. All right. I want to show you what was
11 previously marked as Exhibit 12. Do you recognize
12 what this document is, sir?

13 A. No.

14 Q. All right. Were you familiar with the
15 process of assigning case numbers to particular
16 incidents or calls at the Miami Township in 1990?

17 A. Repeat that one time for me.

18 Q. Were you familiar with the process of
19 assigning case numbers to particular calls or
20 incidents at the Miami Township Police Department
21 when you first got there or at any time before?

22 A. Vaguely. I believe the -- I believe the
23 dispatchers, once they received a call and dispatched
24 a patrolman, if the officer responded and took a
25 report, they would often ask for a case number. And

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1 the dispatchers would log it and give them a case
2 number, to the best of my memory.

3 Q. Do you know where -- are you aware of any --
4 of a place at the Miami Township Police Department
5 where a book like this might have been held?

6 A. To the best of my memory, the dispatchers
7 maintained a book on their desk at their ready to
8 where they could give the next following case number
9 or report number, actually not a case number, but a
10 report number, to an officer who requested it.

11 Q. All right. Now, I want to show you what's
12 been previously marked as Exhibit 16 from a prior
13 deposition.

14 MR. DOWD: When you refer to Exhibit 12,
15 just for my -- is that the Bates Number 9117?

16 MR. OWENS: Yes, sir.

17 MR. DOWD: Okay. Thank you.

18 BY MR. OWENS:

19 Q. Do you see this picture of a photo array? Do
20 you see it?

21 A. Yes.

22 Q. Who is in box number one?

23 A. He's a good-looking man. I believe that's
24 me, Tim Wilson.

25 Q. All right. Who is in box number 4?

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1 A. That is Detective John DiPietro.

2 Q. Thank you.

3 Were you present for any interviews or
4 interrogations or conversations that Detective Moore
5 had with Dean Gillispie at the Miami Township Police
6 Department?

7 A. No.

8 Q. Are you aware of any practice of the Miami
9 Township Police Department in 1990 that authorized
10 detectives to order individuals into the police
11 station for interviews, even if they didn't have a
12 warrant or probable cause to arrest them?

13 A. Yes.

14 Q. Okay. What was that?

15 A. It was specifically designated for
16 financial-type crimes, for the best that I can
17 recall. If we thought someone had written a bad
18 check and we had an address on that check and a name,
19 we would often, instead of physically sending someone
20 out there, we would often send a letter to them
21 requesting them to come in to be interviewed about
22 this bad check.

23 Q. Sure. Now, would those requests have any
24 kind of warning or threat that they would be arrested
25 if they didn't go in -- come into the Miami Township

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1 Police Department?

2 A. Honestly, I don't remember.

3 Q. Do you think as a supervisor in 1990, whether
4 or not that would be lawful to order somebody to come
5 to the police station if you didn't have a warrant
6 for their arrest?

7 MR. KASSON: Objection. You can go ahead
8 and answer.

9 MR. DOWD: Objection to form and
10 foundation.

11 THE WITNESS: Would it be lawful?

12 BY MR. OWENS:

13 Q. Yes, sir. In your --

14 A. I think it would be lawful, yes.

15 Q. To order somebody to come to the police
16 station, even if there were no arrest warrant, on the
17 threat that they would be arrested if they don't show
18 up?

19 MR. KASSON: Same objection. You can go
20 ahead and answer.

21 THE WITNESS: I believe it would be
22 lawful.

23 BY MR. OWENS:

24 Q. Let me show you, sir, what has previously
25 been marked as Exhibit 21. Are you familiar with

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1 this form? Without the details being filled in, just
2 the form of the document.

3 A. I've seen similar writings like this, a
4 similar form, yes.

5 Q. Is this a standard form that the Miami
6 Township Police Department used in 1990?

7 A. "Standard" would be the key word. And I do
8 not think it would be a standard form.

9 Q. Okay. Now, do you see the bottom two lines
10 that happen to be highlighted in yellow?

11 A. Yes, I do.

12 Q. Would those be part of the typical form, or
13 is that something that would have been added in this
14 particular instance?

15 A. I do not remember this being standard
16 procedure with the wording as it is worded now.

17 Q. And what do you mean by that?

18 A. Well, I do not believe that -- I have to
19 concentrate or -- I have to express that during
20 financial crimes is where I saw this type of letter.

21 And I do not remember seeing "Failure to
22 appear will result in a warrant being issued for your
23 arrest," because we didn't know if we could legally
24 arrest that person, or if that person was actually
25 the person that may have done a financial crime, but

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1 it was -- it was not out of routine to send a letter
2 to someone saying we have -- we are investigating a
3 financial crime, come to the police department.

4 Q. Right. It wouldn't be out of routine to send
5 a letter asking somebody to come to the police
6 department like this one. It would have been out of
7 routine to include the last two lines; is that fair
8 to say?

9 A. It was not routine, in my opinion.

10 Q. Can you think of any other time that you have
11 seen one of these two letters with these last two
12 lines that are highlighted in yellow on this one?

13 A. No.

14 Q. As a supervisor, if somebody was working on a
15 major case like this rape case here, would your
16 officers -- to come you for some type of approval if
17 they were going to make an arrest?

18 A. No.

19 Q. Do you have any conversations with Scott
20 Moore that you can recall about his decision to
21 pursue Gillispie or to arrest him?

22 A. No.

23 Q. Now, as an incoming new sergeant detective in
24 1990, how did you become familiar with the practices
25 and policies of the department?

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1 A. Mainly by physically being there, day-by-day
2 operations and as situations presented themselves.

3 Q. Did Captain Scothorn sit you down and say,
4 here is how we do this, here is how we do this, and
5 sort of give you an orientation of any sort?

6 A. Not to that extent, no.

7 Q. Was there something to a lesser extent?

8 A. I don't remember.

9 Q. Were you familiar with the manner in which
10 case reports or supplemental reports were submitted
11 to the prosecutors or to the criminal justice system
12 after a case had been charged?

13 A. Yes.

14 Q. What was the process for that?

15 A. Well, after charges had been filed?

16 Q. Yes, sir.

17 A. If there was a supplemental report, then the
18 detective printed out a copy and sent it to the
19 prosecutor's office, usually by physically going
20 downtown to Dayton, Ohio, and dropping it off to that
21 prosecutor.

22 Q. All right. What about -- what was the
23 process for before charges were filed?

24 A. Before?

25 Q. Yes, sir.

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1 A. They would accumulate all of their reports,
2 the case file, evidence documents, evidence receipts,
3 photographs, anything that had particular interest to
4 that case, and they would physically bundle it up and
5 physically take it to a prosecutor for a prosecutor's
6 review, a denial or approval, and then it would go
7 through the system from there.

8 Q. What do you mean, "it would go through the
9 system from there"?

10 A. Well, the prosecutor's office would file a
11 charge, would either send it to the grand jury, may
12 approve a warrant to be issued, and the warrant would
13 be taken to the appropriate court in the jurisdiction
14 and a warrant issued and a physical arrest made.

15 Q. And what I'm wondering is about the process
16 of ensuring that the prosecutor had all of the
17 documents that needed to be turned over in the file.
18 Can you tell me about what steps or what the practice
19 was at the time at Miami Township in 1990 for that?

20 A. Yes, I can.

21 Q. Thank you.

22 A. The detective or officers assigned to the
23 case, it was their responsibility to make available
24 to print out, to provide to the prosecutor every
25 piece of work that they had generated for the

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1 prosecutor's review, so it was solely their
2 responsibility to do that. And as far as I know,
3 they did.

4 Q. Was there any sort of a log system or
5 discovery, production, kind of, tracking system that
6 would allow you as a supervisor to say, all right, on
7 this case the discovery was turned over to the
8 prosecutor on this date; there was some supplemental
9 reports written after; whereas those were tendered to
10 the prosecutor on a subsequent date? Any system like
11 that in 1990 or 1991?

12 A. No.

13 Q. Now, you understood as the supervisor of
14 detectives in 1990 that it was required that officers
15 turn over all of the important, exculpatory, whatever
16 it was, evidence in the file to the prosecutors,
17 right?

18 A. Yes.

19 Q. And you understood that part of the reason
20 that that had to be done was because if it wasn't
21 turned over to the criminal defendants, that might
22 violate their right to a fair trial, correct?

23 A. Certainly.

24 Q. And as a -- well, take a step back. In 1990
25 and 1991, was there a name referred to for the file

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1 the detectives would use? Was there a common name
2 for that file?

3 A. Just usually it was the case name of the
4 person involved that had reported the crime; the
5 Wilson file.

6 Q. So this would be the Wise sisters' file?

7 A. It could have been the Gillispie file or it
8 could have been the Wise file. I'm not sure which
9 one he classified it under. But there were times
10 where if the main suspect had been worked and it was
11 believed that suspect was the person, it could have
12 been Gillispie/Wise, Wise/Gillispie.

13 Q. Who knows?

14 A. Yeah.

15 Q. Okay. And you didn't personally know about
16 this particular file, correct?

17 A. I did not.

18 Q. Did you ever supervise Scott Moore in any way
19 as it relates to the things that he did or did not
20 turn over to the prosecutors or criminal defense?

21 A. Personally supervise, no.

22 Q. Did you have any conversations with Scott
23 Moore about that topic?

24 A. Not that I can recall.

25 Q. Would it have been your practice to have

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1 conversations like that with detectives you
2 supervised as it relates to what they have turned
3 over to prosecutors in their criminal defense and
4 when they did it or anything like that?

5 A. On other cases I'd assigned to them, yes.

6 Q. So you are saying you wouldn't have done that
7 here because you didn't assign this to Mr. Moore; is
8 that correct?

9 A. Not only did I not assign it to him, I wasn't
10 aware of it for quite some time.

11 Q. All right. And it's your testimony that you
12 were not aware of this particular case until after
13 Mr. Gillispie was charged; is that correct?

14 A. No, I can't say after he was charged. And I
15 cannot testify here today as to exactly when that
16 was, but it was sometime later after I had been
17 there. I don't know if it was before he was charged
18 or after he was charged, or if it was at the time
19 period when they took the case to the prosecutor's
20 office.

21 Q. Did you participate in taking the case to the
22 prosecutor's office with Detective Moore?

23 A. No.

24 Q. Why not?

25 A. I don't recall that it was necessary for me

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1 to do that.

2 Q. Is that something that you would have done
3 typically on investigations for detectives, is go
4 with them to present the case to the prosecutor?

5 A. Not unless I had actually participated in
6 recovering evidence, making arrests, doing the search
7 warrant.

8 Q. Okay. Were you ever aware of an individual
9 named Bob Burke, Robert Burke, from General Motors?

10 A. Prior to this case's lawsuit, no.

11 Q. What about David Burke?

12 A. No.

13 Q. You testified earlier that you spoke with
14 Steven Gray about this lawsuit, correct?

15 A. Yes.

16 Q. What did you talk to him about?

17 A. We talked about this case. We talked about
18 his participation -- let me back up.

19 We talked about his involvement being in
20 the property room, or records property officer. And
21 then he said, "I'm being accused of destroying
22 evidence, getting rid of evidence," or something like
23 that.

24 And I said, "What did you do? What did
25 you handle?"

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1 He said, "Do you remember the clothing of
2 the girls?"

3 And I said, "No. I never handled them,
4 never touched them, never saw them."

5 He said, "Well, I signed it back" -- I
6 believe he said, "I signed it back to the girls,
7 returned it to the girls upon their request."

8 And I said, "Well, who told you to do
9 that?"

10 He said, "Fess Blair." And he said,
11 "They need to call Fess Blair."

12 I said, "You do realize Fess Blair is
13 dead. They can't call Fess Blair."

14 And he said, "Yes, of course, I do know."

15 I said, "Did anybody else tell you to get
16 rid of the evidence, turn the evidence back over to
17 the girls?"

18 He said, "No, Fess Blair did."

19 I said, "Is that all you did?"

20 He said, "That's it."

21 I said, "You did what you were told. You
22 have got no problem." And so that's about all we
23 have talked about.

24 Q. Do you keep up with Mr. Gray?

25 A. Not as much as Mr. Scothorn, but occasionally

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1 we do talk.

2 Q. So Mr. Gray was involved in the property room
3 and the records room, correct?

4 A. I know that he was a court -- prisoner
5 transport person to the court, officer to the court.
6 He worked in property and he worked in records.

7 Q. Right. And what I'm wondering is, are you
8 aware of how records were kept at the department in
9 1990 or 1991?

10 A. Well, they were maintained in files, hard
11 copies in files in file cabinets in the records
12 section.

13 Q. And am I right that at the time that, even
14 though there was a shift to some computerization of
15 typing some supplemental reports, that those would
16 then be printed and then placed into a physical file?

17 A. Yes.

18 Q. Do you know about whether or not there was,
19 like, control cards or how the files were maintained
20 in the records division?

21 A. I don't know, sir.

22 Q. Do you know where the original case file is
23 for the Wise sisters' investigation?

24 A. Today?

25 Q. Yes.

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1 A. I have no idea.

2 Q. Have you had any conversations with Scott
3 Moore about this case?

4 A. No.

5 Q. Do you keep up with him at all?

6 A. None.

7 Q. Why not?

8 A. He basically went his way, I went mine, and
9 we never had a personal or friendship relationship.

10 Q. What about Detective DiPietro?

11 A. The same, same answer.

12 Q. You don't keep up with him at all?

13 A. Only about FOP business.

14 Q. And in what context do you interact with
15 Mr. DiPietro about FOP business?

16 A. We just talk about meetings. We talk about
17 fees that are due, get-togethers with FOP. We don't
18 discuss business at all.

19 Q. Are you active with the FOP?

20 A. I am.

21 Q. And to what extent?

22 A. Actually, I just joined again last year. I
23 had not been a member for quite a few years, and I
24 joined the FOP last year.

25 So the joining process was I had to go

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1 through John DiPietro who was -- I think he was vice
2 president last year. And he got me the FOP cards and
3 I paid my dues, sent my dues to him so he could pay
4 my dues to the local and state lodges.

5 Q. And are you still registered out of Ohio
6 then?

7 A. Yes, I'm a member of the Ohio lodge.

8 Q. Okay. And Mr. DiPietro is still active in
9 the Ohio lodge FOP as of last year?

10 A. I think he's now the president of the lodge.

11 Q. What police station does Mr. DiPietro work
12 for now?

13 A. I'm not aware that he is a police officer.

14 Q. Okay. You are aware of the circumstances in
15 which Mr. DiPietro left the Miami Township Police
16 Department?

17 A. I am.

18 Q. And that doesn't -- does it concern you at
19 all that he is the vice president or president of the
20 FOP, the lodge that you signed up for?

21 A. Slightly.

22 Q. Have you taken any steps to express that
23 concern?

24 A. No.

25 Q. Do you express anything -- any concern about

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1 that to Mr. DiPietro?

2 A. No.

3 Q. I want to loop back to Mr. Wolfe.

4 A. Yes, sir.

5 Q. Do you remember Mr. Wolfe coming to the Miami
6 Township Police Department at all after you started?

7 A. No.

8 Q. Did you have any conversations with Rick
9 Wolfe about any criminal investigation at GM after
10 you started?

11 A. I did not.

12 Q. Did you have any conversations with any --
13 with Rick Wolfe about Gillispie after you joined the
14 Miami Township Police Department again in 1990?

15 A. I did not.

16 Q. Did you ever have any conversations with
17 Scott Moore about Rick Wolfe being one of the
18 witnesses in his prosecution?

19 A. Not that I recall.

20 Q. Now, you found out -- did you have any
21 conversations with Chief Angel about this
22 investigation? And when I say "this investigation,"
23 I mean of the Wise twins' rapes or Gillispie, however
24 you want to refer to it.

25 MR. DETERS: Can you repeat the question?

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1 I'm sorry. It sounded like you were ruffling papers
2 maybe.

3 MR. OWENS: No, it was one of you-all.

4 MR. DETERS: I was on mute, so it wasn't
5 me.

6 MR. OWENS: Yes.

7 MR. DETERS: Thank you.

8 BY MR. OWENS:

9 Q. Did you have any conversations with former
10 Chief Angel about the Wise sisters investigation or
11 Gillispie, however you want to refer to it?

12 A. No.

13 Q. Now, when was the first time that you found
14 out that Gillispie's conviction had been overturned?

15 A. I don't remember.

16 Q. Was it probably in 2013 when you got sued, do
17 you recall that?

18 A. Was that the first time I heard about it?

19 Q. Yes.

20 A. That his conviction was overturned?

21 Q. Yes.

22 A. I thought you meant when he got a second
23 trial.

24 Q. I got it.

25 A. I apologize.

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1 Q. Got it. No, we are on the same page now.

2 You don't remember finding out about the
3 process of him getting a second trial back in 1991;
4 is that right?

5 A. Correct.

6 Q. Did you talk to Steve Gray about anything
7 related to evidence that had gone missing that led to
8 Mr. Gillispie getting a second trial?

9 A. As I said, the only thing I've talked to
10 Steve about was the property he said he released
11 under the direction of Fess Blair.

12 Q. Do you think it was unfair that Mr. Gillispie
13 got a second trial in 1991?

14 A. I can't say one way or the other. I don't
15 know that much about it.

16 Q. All right. Now, you found out that
17 Gillispie's conviction, after he spent a long time in
18 prison, was subsequently overturned, correct?

19 A. Yes.

20 Q. What do you know about that?

21 A. I think I learned it through the lawsuit.

22 Q. Okay. Do you have an opinion one way or the
23 other about whether or not Mr. Gillispie was
24 wrongfully convicted?

25 A. Do I have an opinion?

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1 Q. Yes, sir.

2 A. I have an opinion that he was convicted
3 correctly by a jury, and my understanding is twice.

4 Q. And what is the basis for your opinion
5 thinking that Mr. Gillispie was correctly convicted?

6 A. Because the jury convicted him. Evidently,
7 the case was presented to the jury. He had an
8 adequate defense at the time, and the jury made their
9 ruling twice.

10 Q. Okay.

11 A. Is what I understand.

12 Q. Yes, sir.

13 And my question is, so you think it was a
14 mistake that his conviction was turned over --
15 overturned again after all of those years; is that
16 correct?

17 A. I'm not going to say I think it was a
18 mistake. I don't know that much about the judge who
19 ruled on it or the lawyers that presented it or what
20 Gillispie has to say. I just don't know.

21 So the court made the ruling, so they
22 must have thought there was, in the court's opinion
23 or a judge's opinion or someone's opinion, there was
24 something somewhere. I don't know what that is.

25 Q. Let's try to be really clear. You are not

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1 aware of the evidence that was presented that led two
2 courts to declare that Mr. Gillispie's conviction
3 should be overturned, correct?

4 A. That is correct.

5 Q. You may have -- did you read the complaint in
6 this lawsuit?

7 A. At some time ago, yes.

8 Q. Now, do you have an opinion about whether or
9 not Mr. Gillispie's conviction should have been
10 ultimately overturned or whether or not he's
11 innocent?

12 A. Okay. I do not know what the evidence was of
13 why it was overturned, if it was overturned. I do
14 not know. I do have an opinion about the accusations
15 made against me and the other officers at Miami
16 Township and the crime lab and whoever else is named
17 in the suit.

18 Q. Okay. And your opinion about those
19 allegations is that they are false, correct?

20 A. In the lawsuit?

21 Q. Yes, sir.

22 A. Of course they are incorrect and are false.

23 Q. And my question is about whether or not you
24 have an opinion about whether or not Gillispie is
25 innocent or guilty.

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1 A. Yes, I do.

2 Q. And what is that?

3 A. He's guilty. The jury said he was, twice.

4 Q. And so no other additional evidence or
5 anything that you have heard would convince you
6 otherwise, right?

7 A. Yes, correct.

8 Q. So you don't think that there's a chance that
9 Scott Moore got a conviction that was a mistake,
10 correct?

11 A. Correct.

12 Q. Now, were there -- once a case -- going back
13 to 1990 and 1991, sir, if a detective that you are
14 supervising completed a case, how would you provide
15 that information to the captain or to the chief?

16 A. I wouldn't.

17 Q. Okay. What was their involvement in ongoing
18 investigations?

19 A. Very little.

20 Q. Would they approve the reports written by
21 detectives?

22 A. They wouldn't even see it unless it was
23 involved in internal affairs. I won't say they would
24 never see it. Very, very seldom, almost never, would
25 they see a report written by anybody unless it

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1 involved internal affairs, and that would be Captain
2 Scothorn, unless they had some interest in it and
3 they asked to see it.

4 Q. But as sort of a more general matter, Captain
5 Scothorn and Chief Angel didn't review or weren't
6 typically given the reports on investigations even in
7 major cases; is that right?

8 A. That's correct.

9 Q. And now, did you keep up with former Chief
10 Angel before he passed away?

11 A. Yes.

12 Q. Did he live down here too?

13 A. No.

14 Q. Okay. How often did you speak with him?

15 A. A couple, three or four times a year.

16 Q. Did you hang out recreationally?

17 A. No, he lived in Ohio. I lived in Tennessee.

18 Q. And you don't like to go back to Ohio?

19 A. I despise going back to Ohio.

20 MR. OWENS: We could strike that answer,
21 for the record, in case this gets played publicly.

22 BY MR. OWENS:

23 Q. When you arrived at the Miami Township Police
24 Department, were some reports still completed
25 handwritten?

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1 A. Yes.

2 Q. I'm going to show you what's been previously
3 marked as Exhibit 15. This is Bates stamp Gillispie
4 35166 to 35173.

5 Now, sir, you can take as much time as
6 you need to sort of just review the structure of the
7 document, and then I'm just going to ask you some
8 questions about just the form, generally, as opposed
9 to the substance.

10 A. Okay.

11 Q. Are these -- strike that.

12 Am I correct that these are not forms
13 that you would have typically reviewed pursuant to an
14 investigation that you were supervising; is that
15 correct?

16 A. That would be correct.

17 Q. And I did actually have one more question.
18 We can go back to Exhibit 16, if you'd like to see
19 it.

20 I wanted to ask you one more thing about
21 your picture there, which is, where did that picture
22 come from?

23 A. I don't recall.

24 Q. Do you know why that that picture was
25 available at the department?

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1 A. I don't recall.

2 Q. Did Scott Moore take that picture
3 specifically to use in the photo array?

4 A. Again, I don't recall.

5 Q. Do you recall ever having your picture taken
6 in a shirt and tie for the purposes of generating
7 pictures that could be used in a photo array?

8 A. I do not recall that, no.

9 Q. And I'm not talking about just this time, I'm
10 talking about anytime.

11 A. Never that I recall.

12 Q. All right. I want to show you what's been
13 marked previously as Exhibit Number 10 -- actually,
14 we'll start with Exhibit 11, which is Gillispie
15 35050.

16 Sir, are you familiar with that document?

17 A. I know what it is now, yes.

18 Q. All right. And what is it now?

19 A. It appears to be a composite drawing of a
20 person on Miami Township Police Department
21 letterhead.

22 Q. And my question is, did you review this in
23 1990 or 1991 at all?

24 A. No.

25 Q. I want to show you what's been marked as

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1 Exhibit 10.

2 MR. OWENS: I'm sorry, Pat, did you want
3 copies?

4 MR. KASSON: That's okay.

5 BY MR. OWENS:

6 Q. Do you know what this is?

7 A. It appears to be a composite drawing, again,
8 of a male subject on Miami Township Police Department
9 letterhead, Jim Moore, Chief of Police.

10 Q. Does this look familiar at all?

11 A. No.

12 Q. Are you familiar with -- so what I want to --
13 strike that.

14 In 1990 and 1991, I understand the
15 department was moving over to computer supplementary
16 reports, correct?

17 A. Yes.

18 Q. What was the practice with respect to what
19 officers would do with their handwritten notes before
20 they typed them in the computer?

21 A. I don't know that officers actually typed
22 them into the computer. Handwritten notes?

23 Q. Right. So if --

24 A. Are you talking about field notes?

25 Q. Yes, sir.

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1 A. I don't know that field notes were ever
2 transcribed into a handwritten report on a daily
3 basis.

4 Q. Right. And so what I'm wondering is, what
5 was the practice with respect to what would happen to
6 field notes once the supplementary reports were
7 written?

8 A. As far as I know, they would keep them in
9 their possession and turn them over to the
10 prosecutor's office.

11 Q. So the field notes were supposed to be
12 included in the file and turned over to the
13 prosecutor's office?

14 A. My way of thinking back then was, anything
15 that a detective generated or had possession of, for
16 or against a defendant, would be given to and
17 reviewed by a prosecutor.

18 Q. So Miami Township officers, in your
19 experience, never destroyed their field notes after
20 writing their supplementary reports?

21 A. Not to my knowledge.

22 MR. DOWD: Objection. Foundation.

23 BY MR. OWENS:

24 Q. Did you ever review Scott Moore's field notes
25 for this investigation?

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1 A. No.

2 Q. Did you ever review Scott Moore's field notes
3 for any investigation?

4 MR. KAY: Objection. Foundation.

5 BY MR. OWENS:

6 Q. Go ahead.

7 A. I'm thinking.

8 Q. Okay.

9 A. No.

10 Q. Did you review any -- can you recall
11 reviewing field notes for any detectives for any
12 investigation while you were a sergeant for the
13 detective division in the Miami Township Police
14 Department?

15 A. No.

16 Q. Now, am I correct that there was no general
17 order or SOP in 1990 and 1991 requiring officers in
18 the Miami Township Police Department to retain and
19 disclose their field notes?

20 A. An SOP?

21 Q. Yes.

22 A. A written SOP? I don't believe there was an
23 SOP that specifically spelled out field notes to be
24 retained.

25 Q. Okay. Was there an SOP that laid out some

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1 other types of notes must be retained or any other
2 type of documents that you can recall in 1990-91,
3 before the accreditation?

4 A. I don't recall such SOP.

5 Q. And before the accreditation, were formal
6 orders -- was the format standard operating
7 procedures, is that what the Miami Township Police
8 Department used?

9 A. Format.

10 Q. So some police departments use general
11 orders, some police departments use manuals, some
12 police departments use booklets.

13 In Miami Township in 1990, when you
14 showed up, what did they use for saying this was the
15 official policy of the department?

16 A. The most that I can remember and the most
17 that I was involved in were standard operating
18 procedures of conduct and disciplinary procedures.

19 As far as everyday investigative
20 operation procedures concerning reports, I don't even
21 remember such a manual, if there was one.

22 Q. You are not in possession of anything like
23 that, are you?

24 A. I am not.

25 Q. Were you ever given a set of standard

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1 operating procedures when you arrived in the
2 department in 1990?

3 A. Of standard operating procedures on --

4 Q. Any topic.

5 A. Yes.

6 Q. You were?

7 A. Yes.

8 Q. Where are those?

9 A. I have no idea.

10 Q. When is the last time you saw them?

11 A. Probably the day I left the police department
12 in 1998.

13 Q. Would you have retained the original ones
14 that you had from before the accreditation when you
15 arrived at the department?

16 A. Would I have?

17 Q. Retained the original standard operating
18 procedures, whichever ones you received when you
19 arrived, even through the accreditation process until
20 you retired?

21 A. Yes, I believe so.

22 Q. And you are sure you don't have them in any
23 storage box, garage, anything like that?

24 A. Sir, I have absolutely nothing except maybe
25 something out of my personnel file; date of hire,

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1 retirement date. Concerning Miami Township, no
2 police reports, no supplements, no files, no field
3 notes, nothing like that. No SOPs, no accreditation
4 manuals, nothing.

5 Q. You have your personnel file?

6 A. No, I don't have my personnel file. I just
7 have a couple of things from it, which indicated my
8 hire date and the date that I was sworn in as a clerk
9 of courts at Miamisburg.

10 Q. The hire date that you have, the personnel
11 document to which you just referred, was that from
12 Miami Township or from somewhere else?

13 A. Actually, it was from the clerk of courts'
14 office where I was sworn in June the 19th to be a
15 notary. I think every officer at Miami Township had
16 to be sworn in as a notary of the court to be able to
17 sign documents at court, return warrants and blah,
18 blah.

19 Q. Could you please transmit any documents you
20 have related to your employment, or Miami Township in
21 any way, to your attorney so that we can review them?

22 A. Yes.

23 Q. Thank you.

24 Would you be surprised to know that Miami
25 Township doesn't have a copy of any of the SOPs that

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1 existed in 1990?

2 MR. DOWD: Objection. Form.

3 MR. KASSON: You can answer.

4 THE WITNESS: Would I be surprised?

5 BY MR. OWENS:

6 Q. Yeah.

7 A. No.

8 Q. Why not?

9 A. It's 30 years ago.

10 MR. KASSON: When you get a good time for
11 a break, we have been going for an hour, so whatever
12 is a good time for you.

13 MR. OWENS: This is a good time, sure.

14 THE WITNESS: I'm fine, whatever.

15 MR. KASSON: We'll take a five-minute
16 break.

17 (An off-the-record discussion was held.)

18 BY MR. OWENS:

19 Q. So just a few more questions.

20 As the sergeant detective -- is that the
21 correct --

22 A. Detective sergeant, sergeant detective.

23 Q. In 1990, were there any other individuals who
24 occupied that position at Miami Township?

25 A. In 1990?

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1 Q. Yeah.

2 A. Just me and myself and Steve Fritz, as far
3 as -- as far as I know.

4 Q. Right. And Fritz left right before you,
5 right?

6 A. Yes.

7 Q. So then after you got there, were there any
8 other Miami Township supervisors who were -- whose
9 job it was to directly supervise the detectives?

10 A. No.

11 Q. Now, we have gone over a few documents today.
12 We have gone over the depositions. You have had a
13 two-hour meeting with your attorney in advance.

14 Is there anything else that you can
15 recall about the investigation of the Wise rapes or
16 the Gillispie case, however you want to refer to it,
17 that you haven't told me today?

18 MR. KASSON: Objection to the form. You
19 can go ahead and answer.

20 THE WITNESS: No.

21 BY MR. OWENS:

22 Q. Has our discussion today or review of any of
23 the documents refreshed your recollection about
24 anything that you told me that you previously
25 couldn't recall?

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1 A. They have been helpful.

2 Q. And so what I'm saying is, now are there
3 things that your memory has been jogged on that we
4 haven't discussed already today?

5 A. No.

6 Q. Nothing new popped into your head during a
7 break or as I was asking a different question?

8 A. No.

9 Q. And you have been completely forthcoming and
10 truthful in your answers today?

11 A. Truthful to the very best of my knowledge.

12 MR. OWENS: I don't think I have any more
13 questions.

14 MR. KASSON: Anybody else?

15 MR. DETERS: You can go.

16 MR. DOWD: Go ahead.

17 MR. DETERS: This is Jon Deters for Gray,
18 DiPietro, and Angel. I have no questions at this
19 time.

20 MR. DOWD: This is Ned Dowd. I do have a
21 few questions of the witness.

22

23 EXAMINATION

24 QUESTIONS BY MR. DOWD:

25 Q. Mr. Wilson, Ned Dowd here. I'm the attorney

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1 that represents Miami Township, and a couple of
2 things I'd like to cover with you. We really didn't
3 get into the allegations in the complaint, and I'd
4 like to cover some of those with you just to make
5 sure we are all on the same page here.

6 First of all, there's an allegation in
7 Paragraph 43 of the complaint that said that you were
8 responsible, along with Angel and Scothorn, for
9 reassigning the case to Detective Moore. Are you
10 aware of that?

11 A. I am, sir.

12 Q. All right. I understand from your testimony
13 that factually is not an accurate allegation,
14 correct?

15 A. That is correct, sir.

16 Q. All right. Do you know, sir, if the file had
17 been turned over to Mr. Moore by Detective Fritz
18 before he left the department?

19 MR. OWENS: Objection to the form of the
20 question.

21 MR. KASSON: You can go ahead and answer.

22 THE WITNESS: I am unaware of that, sir.
23 I do not know.

24 BY MR. DOWD:

25 Q. So prior to your arrival, it's certainly

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1 conceivable that Mr. Fritz could have handed that
2 file to Mr. Moore, you weren't there and have no
3 knowledge of that; is that fair to say?

4 A. Yes, it is, sir.

5 Q. All right. Now, at least when you took over
6 at the detective section, did you at least meet with
7 your detectives to get some understanding of what was
8 on their plate as far as what they were
9 investigating?

10 A. No. It was more like what cases -- what type
11 of cases do you prefer to investigate, what were your
12 strong points, where would you like to go, and that
13 helped me make my decision on assigning cases to
14 individuals.

15 Q. Okay. Did you try to get some understanding
16 of what currently was on their plate so that you
17 could decide who may or may not have the time or
18 resources to take on new work?

19 A. I don't recall doing that.

20 Q. Okay. But at least at some point in time it
21 came to your attention that the Gillispie or the Wise
22 case was in the office, correct?

23 A. That's true, sir.

24 Q. And it's my understanding you just can't
25 recall what point in time that was?

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1 A. That's correct, sir.

2 Q. All right. And then I don't recall and I may
3 not understand, would you at least -- when the report
4 was completed, is that something you would have at
5 least reviewed, do you know, or would that have gone
6 to somebody else within the department?

7 A. On that particular case, it very well could
8 have went to somebody else that assigned the case --
9 higher authority than me that assigned the case to
10 Moore.

11 Q. So, as you sit here today, is it possible you
12 may have reviewed that and simply don't recall, or
13 are you sure that you did not review the final report
14 before it would have gone to the prosecutor's office?

15 A. I may have reviewed it, but I don't remember
16 reviewing it.

17 Q. Right. I assume over the seven years you
18 were in the department you were involved in hundreds
19 of investigations overseeing all of these detectives,
20 correct?

21 A. That's correct, sir.

22 Q. And I certainly wouldn't expect you to recall
23 the review of each and every one of those incidents.
24 Is it one of those things you may have given it a
25 review and passed it on and just don't have a recall

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1 of it?

2 A. That's correct, sir.

3 Q. And I assume what you'd be reviewing, in any
4 event, was really just to make sure that the
5 investigation appeared -- at least what you were able
6 to review, appears to contain sufficient information
7 in a professional manner that would be presented to
8 the prosecutor so they could evaluate it and make a
9 determination as to whether to accept the case?

10 MR. OWENS: Objection to the form of the
11 question.

12 MR. KASSON: You can go ahead and answer.

13 BY MR. DOWD:

14 Q. Is that fair to say?

15 A. Yes, sir, it is.

16 Q. You didn't go through line-by-line and
17 question each and every entry in these reports of
18 each of these detectives before they went to the
19 prosecutor's office?

20 A. That's correct.

21 Q. Is that fair?

22 A. That's correct, sir.

23 Q. All right. Now, in the complaint, there's an
24 allegation in Paragraph 45 that Moore and Wolfe set
25 out to frame Mr. Gillispie; and in connection with

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1 that, they, first of all, fabricated evidence,
2 withheld and destroyed evidence, unlawfully
3 undermined Mr. Gillispie's defense, provided false
4 and misleading testimony.

5 All right. First of all, if, in fact,
6 that were to occur, that evidence was being
7 fabricated and whether it was withheld, destroyed, or
8 providing false testimony, those actions themselves
9 would, in fact, be criminal acts, would they not?

10 MR. OWENS: Objection to the form of the
11 question.

12 THE WITNESS: They would be criminal, as
13 far as I know, sir.

14 BY MR. DOWD:

15 Q. All right. And as I understand it, I assume
16 you had certainly no knowledge of any such activities
17 taking place on any of these files; is that fair to
18 say?

19 A. That is very fair to say, no knowledge of
20 anybody doing anything like that.

21 Q. And, in fact, as a law enforcement officer,
22 when you are sworn as an officer, you take an oath
23 that you are going to uphold the Constitution of the
24 United States, federal laws, the Constitution of the
25 State of Ohio, state laws and all local ordinances

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1 and laws, correct?

2 MR. OWENS: Objection. Form.

3 THE WITNESS: Yes, sir.

4 BY MR. DOWD:

5 Q. All right. And any officer who would
6 knowingly or intentionally either fabricate evidence,
7 withhold or destroy evidence or unlawfully undermine
8 a suspect's defense, or commit perjury or provide
9 false testimony, would be acting contrary to that
10 oath they took when they became a police officer; is
11 that fair to say?

12 MR. OWENS: Objection. Form.

13 THE WITNESS: It is, sir.

14 BY MR. DOWD:

15 Q. All right. In Paragraph 49, it just
16 generically refers to the defendant officers, sir,
17 and you are encompassed within that in the complaint.

18 And I just want to address for the
19 record, it states in there that, "Defendant officers
20 removed from case file supplemental reports authored
21 by Bailey and approved by Fritz."

22 Sir, let me ask you: Did you remove any
23 case file supplements or reports authored by Bailey
24 or Fritz?

25 A. Sir, I did not.

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1 Q. And did you have any knowledge of any other
2 officers in the Miami Township Police Department
3 removing supplemental reports authored by Bailey or
4 Fritz?

5 A. I do not have any knowledge, sir.

6 Q. Sir, as a supervisor of the detectives, if,
7 in fact, that information came to your attention, you
8 would have, number one, put a stop to it; and, number
9 two, reported that to your supervisor, I take it,
10 correct?

11 A. Exactly, yes, sir.

12 MR. OWENS: Objection to the form of the
13 last question.

14 BY MR. DOWD:

15 Q. All right. Bear with me. My notes are kind
16 of scattered here.

17 All right. In Paragraph 74 of the
18 complaint, it is alleged that the department, Chief
19 Angel and other high-ranking officials, including
20 yourself, sir, engaged in a systematic process of
21 rigging criminal prosecutions against persons whom
22 they and/or other friends of the department had
23 problems with.

24 Sir, let me ask: Did you personally
25 engage in any such systematic process of rigging

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1 criminal prosecutions against persons whom they or
2 other friends had problems with?

3 A. No, sir, I did not, never.

4 Q. All right. And during the eight years that
5 you were employed by the Miami Township Police
6 Department, did it ever come to your attention that
7 anyone within the department had engaged in the
8 systematic process of rigging criminal prosecutions
9 against persons whom they and/or other friends of the
10 department had problems with?

11 A. No knowledge of that, sir, no.

12 Q. All right. And, in fact, if members of the
13 department were engaged in such conduct, that would
14 in itself be a criminal act, would it not?

15 MR. OWENS: Objection to the form of the
16 question.

17 THE WITNESS: Could you repeat that, sir?

18 BY MR. DOWD:

19 Q. Yeah. If, in fact, there were members of the
20 police department that had engaged in the systematic
21 process of rigging criminal prosecutions against
22 persons whom they or other friends of the department
23 had problems with, that, in fact, would be a criminal
24 act in itself, would it not?

25 A. Yes.

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1 Q. In paragraph 77, it's alleged that "The
2 defendant officers, GM and county, acted individually
3 in a conspiracy to destroy, fail to disclose, and
4 otherwise withheld and/or suppressed exculpatory
5 information and material from prosecution."

6 Sir, did you -- were you aware of any
7 failure to disclose any exculpatory evidence with
8 respect to Mr. Gillispie's investigation?

9 A. No, sir.

10 Q. All right. And during the eight years that
11 you served in the department, did it ever come to
12 your attention that the Miami Township Police
13 Department had a habit or routine of failing to
14 disclose or otherwise provide exculpatory evidence to
15 the prosecutor?

16 A. No, sir.

17 Q. And I believe you had earlier testified that,
18 while you were the head of the detective department,
19 it was common practice of the department for the
20 investigating detectives to provide all evidence to
21 the prosecutor, even evidence that may be of an
22 exculpatory nature, correct?

23 MR. OWENS: Objection to the form of the
24 question. It's a mischaracterization of the prior
25 testimony.

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1 THE WITNESS: That is correct, sir.

2 BY MR. DOWD:

3 Q. And if I've mischaracterized anything, please
4 let me know. But my understanding from your
5 testimony was that you basically expected your
6 detectives to basically provide everything to the
7 prosecutor's office, correct?

8 A. It was mandatory, yes, sir.

9 Q. All right. And that was, in fact, during the
10 time period you were there, the custom and practice
11 of the Miami Township Police Department, was it not?

12 A. It was, sir.

13 MR. DOWD: Mr. Wilson, I thank you for
14 your time. I believe that's all of the questions I
15 have.

16 THE WITNESS: Thank you, sir.

17

18 EXAMINATION

19 QUESTIONS BY MR. KAY:

20 Q. Jeff Kay. Can you hear me?

21 A. I can, sir.

22 Q. I represent Scott Moore in this case. Just a
23 few questions for you.

24 Going back to your earlier testimony, you
25 had stated in your opinion Scott Moore was a good

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1 detective, true?

2 A. Yes.

3 Q. All right. I think you had also stated that
4 he performed very thorough investigations, correct?

5 MR. OWENS: Objection. Form.

6 THE WITNESS: Yes.

7 BY MR. KAY:

8 Q. Okay. And as far as the Connie and Bonnie
9 Wise rape matter, your testimony was that you thought
10 it was investigated well; isn't that right?

11 A. Yes, by Scott Moore.

12 Q. That's right. So as far as the entirety of
13 Scott Moore's handling of the Connie and Bonnie Wise
14 rape investigation, you had no criticisms of them; is
15 that a fair statement?

16 A. You may have to repeat it, sir. It was kind
17 of interfered with.

18 Q. Sorry. As far as the entirety of Scott
19 Moore's handling of the Connie and Bonnie Wise rape
20 investigation, you have no criticisms of him; is that
21 a fair statement?

22 A. It is, sir.

23 MR. KAY: Thank you. That's all I have.

24 (An off-the-record discussion was held.)

25 ///

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EXAMINATION

QUESTIONS BY MR. OWENS:

Q. Sir, just a couple more questions and then we'll get out of here.

A. Yes, sir.

Q. You testified a moment ago that the disclosure of all material in the file was mandatory. Do you recall that?

A. Yes.

Q. And there was no written document that said that at the time, correct?

A. I cannot remember that there was a written document, but it was a Tim Wilson, Detective Sergeant, expectation that detectives do that.

Q. Okay. When did you communicate that expectation to Scott Moore?

A. I don't know when. I don't have the date, just throughout my reign as detective sergeant, at some point in time it was just general practice, widely accepted, that when you went down with a case file to the prosecutors, Montgomery County, Ohio, prosecutor's office, you took everything and you showed everything to the prosecutor's office, exculpatory, for the defendant, against the defendant, it was our obligation to provide

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1 everything.

2 Q. So you would say that everybody knew that
3 they had an obligation to turn over the good, bad,
4 and the ugly to the prosecutors, right?

5 A. As detectives, yes.

6 Q. And that was the expectation that you had for
7 your officers, correct?

8 A. Exactly.

9 Q. But at the same time you didn't take any
10 steps to figure out whether or not that was happening
11 or monitor what they did, correct?

12 A. I didn't think I had to babysit them, no.

13 Q. And you testified a moment ago that, in
14 response to the questioning from the attorney from
15 the City of Miami -- or, excuse me, I guess from
16 Miami Township, it's not a city.

17 A. Yes, sir.

18 Q. That you didn't review the reports or that
19 you signed off on them line-by-line; is that correct?

20 A. That is true.

21 Q. Did you just rubber stamp them?

22 A. No. I wouldn't say rubber stamp, no. If a
23 document was handed to me, I at least looked at it,
24 maybe thumbed through it, maybe read it
25 word-for-word, it just --

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1 Q. Is it fair to say that when you read reports,
2 you made yourself apprised of what was going on in
3 the investigations that your detectives were doing?

4 A. Yes.

5 Q. Particularly for major cases?

6 A. Yes.

7 Q. And the Wise rape investigation was a major
8 case, right?

9 A. Yes.

10 MR. OWENS: That's all.

11 MR. KASSON: Anybody else?

12

13 EXAMINATION

14 QUESTIONS BY MR. DOWD:

15 Q. Just real quick. Mr. Wilson, you came in in
16 1980, and I understand sometime shortly thereafter
17 the department, through the accreditation process,
18 came up with some, actually, general orders that then
19 kind of became the written policies of the
20 department; is that your understanding?

21 A. Sir, I came in in 1990. I'm sorry.

22 MR. OWENS: We all wanted to say the same
23 thing.

24 THE WITNESS: The year.

25 MR. KASSON: You said 1980.

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1 BY MR. DOWD:

2 Q. I'm sorry, I know you came in in 1990. And
3 subsequent to that time, around 1993, I think you
4 said as part of the accreditation process there had
5 been a set of policies and procedures basically
6 adopted by the department, correct?

7 A. Yes, sir.

8 Q. All right. And that ended up being what I
9 think is now called the General Orders of Miami
10 Township; do you recall?

11 A. I do not recall, sir.

12 Q. All right. Prior to that time when you came
13 in, you were referencing there were, in place, some
14 standing operating procedures within the department,
15 correct?

16 A. There were.

17 Q. All right. And as you sit here today, can
18 you specifically recall all of the standing operating
19 procedures that were in effect in 1990 when you
20 arrived?

21 A. I cannot, sir.

22 Q. Okay. So there may or may not have been
23 standing operating procedures with respect to the
24 detectives' retention of file material with respect
25 to how detectives are to handle their investigations

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1 in other matters, we just don't presently have them
2 in our possession?

3 MR. OWENS: Objection. Form. It's
4 compound as well. Go ahead.

5 THE WITNESS: There may or may not have
6 been.

7 MR. DOWD: That's all of the questions
8 I've got. Thank you.

9 THE WITNESS: Yes, sir. Thank you.

10 MR. KASSON: Anybody else?

11 MR. DOWD: I would like a copy, e-tran;
12 electronic format is sufficient.

13 THE COURT REPORTER: Jon, would you like
14 a copy?

15 MR. DETERS: I don't think so at this
16 time.

17 MR. KAY: Not at this time. Thank you.

18 MR. KASSON: I'll take a copy.

19 MR. OWENS: Actually, we will order this.
20 Actually, only e-tran, no hard copy. Regular time.

21 (WHEREUPON, the foregoing proceedings
22 were concluded at 12:00 P.M.)

23
24
25

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF DAVIDSON

I, SANDRA ANDRYS, LCR, RPR, RMR, with
offices in Nashville, Tennessee, hereby certify that
I reported the foregoing videoconference deposition
of TIM L. WILSON by machine shorthand to the best of
my skills and abilities, and thereafter the same was
reduced to typewritten form by me.

I further certify that I am not related
to any of the parties named herein, nor their
counsel, and have no interest, financial or
otherwise, in the outcome of the proceedings.



SANDRA ANDRYS, LCR, RPR, RMR
Licensed Court Reporter (TN)
Notary Public State of Tennessee

My Notary Commission Expires: 6/26/22
LCR 583 - Expires: 6/30/2019

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